

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1980

HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 5, 1980



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1980

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 5, 1980

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1980, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1980, being the fifth day of the month in the Year of our Lord, one Thousand Nine Hundred and Eighty, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend Billy Hall, Pastor, First Methodist Church, Jackson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Stout, Zoghby and Grouby.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on Tuesday, Feb. 5, 1980, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Campbell, Sandusky and Moore.

Also:

By Rep. Manley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, February 5, 1980, they adjourn to meet again on Thursday, February 7, 1980; when they adjourn on Thursday, February 7, they adjourn to meet again on Tuesday, February 12, 1980; when they adjourn on Tuesday February 12, they adjourn to meet again on Thursday, February 14, 1980; when they adjourn on Thursday, February 14, they adjourn to meet again on Tuesday, February 19, 1980; and when they adjourn on Tuesday, February 19, they adjourn to meet again on Thursday, February 21, 1980.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 4, was adopted.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, February 5, 1980, we adjourn to meet again on Thursday, February 7, 1980, at 9:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 5, was adopted.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Reps. Carothers, Reed, Daniels, Williams, Grimsley, Johnson (R. G.), Warren, Shoemaker, Holley, Patton, Letson, Blake, Bedsole, Cosby, Ward, Minus, Greer, Trammell, McKee, Grouby, Willis, Hammett, Penry, Cates, Ray, Stout, Shavers and Turnham:

H. 1. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the pre-payment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for

the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distributions systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65. Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Commerce and Transportation.

By Rep. Clark:

H. 2. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Lewis:

H. 3. To amend Section 40-12-258, Code of Alabama 1975, which relates to the payment of registration fees on motor vehicles, the placement of license tags on vehicles, and the issuance of receipts in triplicate for said tags, so as to provide for a daily penalty after a certain time interval when the judge of probate is delinquent in remitting one copy of the receipt to the department of revenue.

Local Government.

By Rep. Lewis:

H. 4. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Judiciary.

By Rep. Hall:

H. 5. To provide for seating space for all children who ride buses to public schools in the State of Alabama and providing a penalty for non-compliance.

Education.

By Rep. Lewis:

H. 6. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Highway Safety.

By Rep. Blake:

H. 7. To repeal Sections 16-5-1 through 16-5-10 of the Code of Alabama, 1975, and Act No. 79-461, H. 494 of the 1979 Regular Session, which relate to the establishment, membership, powers, authority and duties of the Alabama Commission on Higher Education; to transfer all property, whether real or personal, and all assets and unexpended funds to the State Board of Education; and to transfer all powers, authority and duties heretofore granted to the Alabama Commission on Higher Education to the State Board of Education.

Education.

By Rep. Gafford:

H. 8. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

Banking.

By Rep. Gafford:

H. 9. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Judiciary.

By Rep. Gafford:

H. 10. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act to create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

Judiciary.

By Rep. Minus:

H. 11. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for persons who served on active duty in any branch of service of the United States military during a declared war or conflict; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Ways and Means.

By Rep. Minus:

H. 12. To make an appropriation to the use of Factory Creek Watershed Conservancy District from any funds in the general fund of the state treasury not otherwise appropriated for the fiscal year ending September 30, 1980.

Ways and Means.

By Rep. Minus:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Ways and Means.

By Rep. Minus:

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Ways and Means.

By Rep. Rains:

H. 15. To provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired and the spouse of any

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such retired person, which spouse receives retirement benefits, under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Ways and Means.

By Rep. Amari:

H. 16. To define the criminal offense of looting; to classify such offense as a Class B felony; and to provide that prosecution under this act shall not bar prosecution under statutes relating to larceny or burglary.

Judiciary.

By Rep. Amari:

H. 17. To amend section 12-16-150, Code of Alabama 1975, relating to the challenge of jurors for cause, so as to remove the disqualification of jurors over the age of 65.

Judiciary.

By Reps. Bennett and Amari:

H. 18. Relating to elections; to provide further for the filing of financial statements of candidates; and for such purpose to amend Code of Alabama 1975, Sections 17-22-5 and 17-22-9.

State Administration.

By Reps. Bennett and Amari:

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

Constitution and Elections.

By Rep. Minus:

H. 20. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Ways and Means.

By Rep. Minus:

H. 21. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Ways and Means.

By Rep. Smith (C):

H. 22. To amend further Section 16-13-52 of the Code of Alabama 1975 relating to apportionment of the public school minimum program fund so as to change the method of determining the number of teacher units for the purpose of apportioning such funds.

Ways and Means.

By Rep. Smith (C):

H. 23. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Ways and Means.

By Rep. Cheatwood:

H. 24. To amend section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which the elements of a civil action for injury to the person or rights of another shall first be deemed to accrue.

Judiciary.

By Rep. Cheatwood:

H. 25. To amend Section 13-4-118 of the Code of Alabama 1975, relating to prima facie evidence of fraudulent intent and knowledge of insufficient funds or credit of the Alabama worthless check act, so as to further regulate worthless checks.

Banking.

By Rep. Bedsole:

H. 26. To amend Section 32-5-75, Code of Alabama 1975, as amended, to require any person operating a motor vehicle on any public highway to secure specified loads with two (2) or more chains or cables to prevent loads from shifting or dropping onto the highway.

Highway Safety.

By Rep. Smith (C):

H. 27. To provide for a teachers' aide program in the public schools.

Ways and Means.

By Rep. Smith (C):

H. 28. To amend Sections 11-54-20 and 11-54-21 and Sections 11-54-80 and 11-54-81 of the Code of Alabama 1975, relating to municipalities and municipal industrial development boards and authorizing the acquisition, ownership and leasing of projects to promote industry and trade so as to include facilities for tourism and amusement parks in the projects authorized.

Local Government.

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By Rep. Brakefield:

H. 29. To provide for assigned risk insurance plans for residential property and homeowner-type insurance policies; to provide for the disclosure of the issuance of said insurance policies to the department of insurance; and to provide penalties for violations.

Insurance.

By Rep. Brakefield:

H. 30. Relating to Walker County; to prohibit the imposition of any new local taxes between the general election and the beginning of the new term of office of the county governing body or any municipal governing body, unless said taxes are submitted to and approved by a majority of the voters residing within the jurisdiction of the taxing authority.

Local Legislation No. 1.

By Rep. Bennett:

H. 31. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Business and Labor.

By Rep. Bennett:

H. 32. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Education.

By Rep. Biddle:

H. 33. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

Judiciary.

By Rep. Rains:

H. 34. Providing for the registration of certain size tracts of agricultural land in this state which are owned either by individuals who are not citizens of the United States or by corporations or other business entities which are domiciled outside of the United States and prescribing penalty for enforcement.

Judiciary.

By Rep. Rains:

H. 35. To provide for the payment of state supplemental security income payments to certain individuals who are blind; to provide for the administration of this Act by the state department of pensions and security; and to appropriate funds to carry out the provisions of this Act.

Ways and Means.

By Rep. Cates:

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Banking.

By Rep. Turner:

H. 37. To exempt ethyl alcohol produced and sold for motor vehicle fuel (also known as "gasohol"), and the distillery operation therefor, from all state, county and municipal sales tax.

Ways and Means.

By Rep. Turner:

H. 38. To provide that members of the national guard while on state active duty shall have the same legal authority as a deputy sheriff, including but not limited to all law enforcement powers including powers of arrest during times of declared emergency or disaster.

State Administration.

By Rep. Turner:

H. 39. To provide that anyone who is convicted of unlawfully selling controlled substances in violation of Sections 20-2-70, 20-2-71 and 20-2-72 of the Code of Alabama 1975, as heretofore or hereafter amended, shall be guilty of a felony and shall be imprisoned for a minimum term of 20 years.

Judiciary.

By Rep. Turner:

H. 40. To provide that during certain emergencies and natural disasters, prices on goods and services must not exceed more than a certain percentage of the price prior to such conditions; and to prescribe misdemeanor penalties against any person, firm or business which violates the provisions of this act.

State Administration.

By Reps. Bennett and Amari:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Education.

By Rep. Bedsole:

H. 42. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Agriculture and Forestry.

By Rep. Hines:

H. 43. To amend Sections 14-6-106 and 14-6-107 of the Code of Alabama 1975 relating to the inspections of prisons so as to give the Department of Public Safety the authority to conduct such inspections.

State Administration.

By Rep. Smith (C):

H. 44. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances in violation of the Alabama Uniform Controlled Substances Act, sections 20-2-1 through 20-2-93, Code of Alabama 1975; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

Judiciary.

By Rep. Mitchell:

H. 45. To provide for the repurchase of certain inventories from retailers upon the termination of contracts; to provide definitions; to specify repurchase price and costs of handling; to provide for the transfer of title and right of possession pursuant to such repurchases; to provide civil liability for failure or refusal to repurchase; to provide for rights of heirs of retailers; to provide security interests in certain unaffected inventories and for repurchases not subject to bulk sales law and inspection of parts packed for shipping; and to provide that the provisions hereof shall not be waived.

Judiciary.

By Rep. Mitchell:

H. 46. To amend further section 40-9-21, Code of Alabama 1975, as last amended by Act No. 79-42, 1979 Special Session (Acts of 1979, p. 60), relating to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less, so as to exclude all income from the Retirement Systems of Alabama in determining the net taxable income.

Ways and Means.

By Rep. Daniels:

H. 47. To amend Section 36-9-17 of the Code of Alabama 1975, so as to further provide for the filling of vacancies in state, county or municipal offices.

Constitution and Elections.

By Rep. Gafford (With Notice and Proof):

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the

Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 48, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford (With Notice and Proof):

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 49, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford (With Notice and Proof):

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 50, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 51. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session, (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 52. To exempt the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc., from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Jackson:

H. 53. To create and establish in Birmingham, Alabama, a civil service system, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such municipality; to create a personnel board and director for the supervision and administration of said system; to regulate and define the manner, form and extent of the control, supervision and authority over such personnel and over such municipality; to provide penalties for the violation of this act and of rules and regulations adopted pursuant thereto.

Local Legislation No. 2.

By Rep. Jackson:

H. 54. To amend further Act No. 284, H. 580, Regular Session 1945 (Acts 1945, p. 376), which act creates a county civil service system in certain counties based on population, so as to exempt the most populous municipality of each such county from the provisions of the act.

Local Legislation No. 2.

By Rep. McKee:

H. 55. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

Local Government.

By Rep. McKee:

H. 56. To amend Section 37-1-11 of the Code of Alabama 1975, which relates to the compensation of the president and associate members of the Alabama Public Service Commission, so as to increase said compensation.

Ways and Means.

By Rep. Dial:

H. 57. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Ways and Means.

By Reps. Ford, Dial and Barton:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Military Affairs.

By Reps. Barton, Ford, Dial, Crow, Penry:

H. 59. To provide that members of the national guard while on state active duty shall be possessed with the same legal authority as a deputy sheriff, including but not limited to all law enforcement powers including powers of arrest.

Military Affairs.

By Reps. Ford, Dial and Barton:

H. 60. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

Military Affairs.

By Reps. Ford, Dial and Barton:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Military Affairs.

By Reps. Dial, Ford and Barton:

H. 62. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Military Affairs.

By Rep. Ford:

H. 63. To exempt the Howell Irwin Medical Fund of the First Methodist Church of Gadsden, Alabama from the payment of all state, county, city or other local sales and use taxes.

Ways and Means.

By Reps. Dial, Ford and Barton:

H. 64. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Military Affairs.

By Reps. Barton, Ford, Dial, Crow and Penry:

H. 65. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Military Affairs.

By Rep. Turnham:

H. 66. To amend Act No. 582, enacted by the Regular Session of the Legislature, 1963, relating to Radiation Control. The bill requires the payment of an initial registration fee and an annual licensing fee to the State, to establish a Radiation Control Fund, appropriates collected funds for the present fiscal year, provides penalties for failure to comply. It is the intent of this legislation to provide fees sufficient, in addition to those appropriated by the Legislature from the general fund, to permit inspections of x-ray unit in the State a minimum of once every three (3) years and more often when required to qualify for accreditation or when an inspection is indicated for the protection of public health, and to permit the bonding of certain licensees.

Ways and Means.

By Rep Drinkard:

H. 67. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

State Administration.

By Reps. Dixon and Bedsole:

H. 68. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Education.

By Rep. Payne:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Local Government.

REGULAR SESSION
1st Day

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By Rep. Payne (With Notice and Proof):

H. 70. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 70, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright:

H. 71. To amend Section 36-27-4, Code of Alabama 1975 relating to the state employees' retirement system, so as to allow more time for members in service to claim full-time military service credit.

Ways and Means.

By Rep. Dixon:

H. 72. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

State Administration.

By Rep. Mitchell (With Notice and Proof):

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell (With Notice and Proof):

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 74, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Trammell:

H. 75. To further provide for the liability of a landowner or owner of a right-of-way who has a pesticide, insecticide or herbicide sprayed or applied on his land or right-of-way by aircraft.

Agriculture and Forestry.

By Rep. Cates:

H. 76. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Banking.

By Rep. Manley:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

Judiciary.

By Rep. Manley:

H. 78. To make a supplemental appropriation to the Alabama State Bar, from the general fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Ways and Means.

By Rep. Manley:

H. 79. To amend Section 26-13-1, Code of Alabama 1975, regarding authorizing the relief of minor children from disabilities of nonage, so as to reduce the age of relief.

Judiciary.

By Rep. Manley:

H. 80. To amend sections 12-12-30 and 12-12-31, Code of Alabama 1975, relating to the jurisdiction of the district courts, so as to define further the jurisdictional amount of the district courts as not exceeding \$5,000.00, exclusive of attorneys' fees, interest and costs and the jurisdictional amount of the small claims docket of the district courts as not exceeding \$500.00, exclusive of attorneys' fees, interest and costs.

Judiciary.

By Rep. Manley:

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this

Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Judiciary.

By Rep. Sandusky:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Ways and Means.

By Rep. Whatley:

H. 83. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

State Administration.

By Rep. Holmes:

H. 84. To levy and additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state during the 1980-81 fiscal year; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be used for Medicaid purposes.

Ways and Means.

By Rep. Holmes:

H. 85. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells,

stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax and to provide that such additional taxes shall terminate on September 30, 1981.

Ways and Means.

By Rep. Rains:

H. 86. To name this Act; to state the Legislature's concern for school nutrition; to define certain terms used in the Act; to establish the mandatory school breakfast program; to set the date for the commencement of the program; to authorize and require the State Department of Education to promulgate rules and standards for implementation of the program; to require from local school boards a plan of compliance with this Act; to require the State Department of Education to notify eligible schools of this Act; to require the Department to publish an annual report to the Legislature and state school boards; to provide for enforcement by the Attorney General of Alabama; to repeal only those laws or parts of laws in direct conflict; and to provide for severability and an effective date.

Ways and Means.

By Rep. Rains:

H. 87. To amend Section 16-13-1 of The Code of Alabama 1975, which sets the fiscal year for all boards of education, so as to change the dates of said fiscal year.

Education.

By Rep. McKee:

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

Ways and Means.

By Rep. McKee:

H. 89. To provide an additional alternative procedure whereby incorporated municipalities of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Local Government.

By Rep. McKee:

H. 90. To amend section 37-1-3 of the Code of Alabama 1975 relating to the term of office for members of the Public Service Commission, so as to require that when a member resigns, such resignation becomes effective at the close of business on the day notice of such resignation is given.

State Administration.

By Rep. McKee:

H. 91. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to

increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Local Government.

By Rep. Drinkard:

H. 92. To amend Section 12-15-10 of the Code of Alabama 1975 relating to court costs, attorney fees and expenses for maintenance and care of children, so as to require the state to pay attorney fees in cases involving indigent juveniles.

Ways and Means.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Pegues, Patton, Edwards, Smith (C), McKee, Harper (O), Ward and Cates:

H. 93. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Local Government.

By Reps. Pegues, Patton, Edwards, Smith (C), McKee, Harper (O), Ward and Cates:

H. 94. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Local Government.

By Rep. Pegues:

H. 95. To prohibit the sale, manufacture, purchase, possession or carrying of a machine gun, sawed-off shotgun, sawed-off rifle and certain other dangerous weapons; provides for exceptions to the act; and sets the punishment for violations of the act.

State Administration.

By Reps. Pegues and Moore:

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Ways and Means.

By Rep. Turnham:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Education.

By Rep. Turnham:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

Education.

By Rep. Turnham:

H. 99. To amend sections 16-25-3, 16-25-18 and 36-27-4, Code of Alabama 1975, to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow members of both systems to receive membership credit under certain circumstances for up to four years military service or foreign service.

Ways and Means.

By Rep. Turnham:

H. 100. To provide further for the accumulation of sick leave by teachers; and to provide for the payment of certain accumulated sick leave to teachers upon retirement.

Ways and Means.

By Rep. Turnham:

H. 101. To make an annual appropriation to Miss Wheelchair Alabama Pageant, Inc., to provide scholarships to contestants in the Miss Wheelchair Alabama Pageant and to pay expenses associated with sponsoring and promoting the Miss Wheelchair Alabama Pageant.

Ways and Means.

By Rep. Turnham:

H. 102. To provide that any bona fide citizen of the state who is over 65 years of age or retired because of physical disability shall be exempt from paying any tuition at any state supported institution of higher learning on a "space available" priority basis.

Education.

By Rep. Turnham:

H. 103. This Act, which shall be known as the Alabama Sale of Fine Prints Act, establishes requirements for the selling of and offering for sale limited edition art objects; provides for detailed information concerning such objects to accompany each individual purchase; provides for certain proof of purchase information to accompany each receipt or invoice upon the sale of an item, and provides for penalties in violation of these requirements, a statute of limitations in bringing an action under this act.

State Administration.

By Rep. Turnham:

H. 104. To prohibit the sale of alcoholic beverages at any of the state welcome centers and rest areas along the public highways of Alabama.

Ways and Means.

By Rep. Turnham:

H. 105. To amend Code of Alabama 1975, §§ 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Education.

By Rep. Barton:

H. 106. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonable expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,500.00 in cases in the trial courts, \$1,500.00 in cases appealed to the Supreme Court or Court of Criminal Appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; and further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the Fair Trial Tax Fund.

Ways and Means.

By Rep. Barton:

H. 107. To amend section 6-9-211, Code of Alabama 1975, relating to property liens, so as to provide further for the time period in which a property lien may be reversed or affected by the beginning of an insolvency proceeding by the defendant.

Judiciary.

By Rep. Barton:

H. 108. Relating to elections; providing further for election supplies, their form, printing, distribution and return; amending Sections 17-8-44 and 17-4-126, Code of Alabama 1975, as previously amended by Act No. 584, 1978 Regular Session, so as to authorize the secretary of state to prescribe standard election supplies and forms; amending Section 17-8-25, Code of Alabama 1975, to allow for reduction in the number of paper ballots printed; providing for a public record of box-by-box and precinct vote totals; authorizing the maintenance and testing of voting machines no later than ten (10)

days before the election; requiring returning officers to return vote totals, ballots, and ballot boxes to the courthouse immediately after the closing of the polls; requiring vote counting to start immediately upon the closing of the polls; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; and amending Sections 17-9-17, 17-13-6, 17-14-1, 17-16-30, 17-16-32, and 17-16-35, Code of Alabama 1975, to accomplish the foregoing.

Constitution and Elections.

By Rep. Barton:

H. 109. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belonging to a husband so as to give the same rights to the husband.

Judiciary.

By Rep. Cosby:

H. 110. To provide for an orientation meeting of the legislature, per diem and expense payment for members and for expenses connected with the orientation meeting.

Ways and Means.

By Rep. Trammell:

H. 111. To amend Section 3225 of Act No. 607, S. 33, 1977 Regular Session of the Alabama Legislature (Acts 1977, Vol. II, p. 812), as amended, known as the "Alabama Criminal Code" so as to change the penalty for violation of this section.

Judiciary.

By Rep. Trammell:

H. 112. To amend certain sections of Title 13A Criminal Code, Code of Alabama 1975, specifically sections 13A-12-22, 13A-12-23, 13A-12-24, and 13A-12-27, to reinstate these offenses as a Class C felony as originally enacted.

Judiciary.

By Rep. Bennett:

H. 113. To provide that city and county school boards may provide reimbursement to cover certain personal property of teachers that may be stolen, damaged or destroyed while teachers are engaged in activities within the scope of their employment.

Education.

By Rep. Greer:

H. 114. To impose certain situs restrictions on the construction of any nuclear power generating plant in this state.

State Administration.

REGULAR SESSION
1st Day

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By Reps. Roberts, Carter, Patton and Smith (C):

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

State Administration.

By Reps. Roberts, Carter, Patton and Smith (C):

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

State Administration.

By Rep. Smith (J) (With Notice and Proof):

H. 117. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 117, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake:

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Local Legislation No. 1.

By Rep. Blake (With Notice and Proof):

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 121, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Roberts:

H. 122. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Local Government.

By Rep. Minus (With Notice and Proof):

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 124, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Greer:

H. 125. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of pensions and security and the board of corrections.

Judiciary.

By Rep. Minus (With Notice and Proof):

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 126, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 131. Relating to Sumter County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold; and to levy a tax on such wine.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling:

H. 132. To amend Section 36-19-7 of the Code of Alabama 1975 relating to deputy fire inspectors so as to provide certain expense allowances for such inspectors.

Ways and Means.

By Rep. Starkey:

H. 133. To amend Section 15-9-2 of the Code of Alabama 1975 so as to increase the amount of rewards that may be offered by a municipal governing body for information leading to the arrest and conviction of guilty persons.

Ways and Means.

REGULAR SESSION
1st Day

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By Reps. Dial, Roberts, Patton, Carter, Warren, Blake, Whatley, Shavers, Stout, Johnson, (R. G.), Shoemaker, Grouby, Gilmer and Letson:

H. 134. To repeal Act 79-808, Regular Session, 1979, which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Ways and Means.

By Reps. Dial, Smith (C), Roberts, Patton, Carter, McMillan, Warren, Harvey, Blake, Edwards, Whatley, Johnson, (R. G.), Shavers, Stout, Shoemaker, Grouby, Letson, Cosby and Gilmer:

H. 135. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

Ways and Means.

By Rep. Dial:

H. 136. To regulate certain marine dealership practices in the State of Alabama.

Natural Resources.

By Reps. Dial, Shoemaker and Johnson (R. G.) (With Notice and Proof):

H. 137. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Banking.

By Rep. Dial:

H. 139. To authorize the Alabama Department of Public Safety to regulate wreckers and towing services when engaged in a service in which a state trooper is involved by devising a rotational list; prohibits solicitation by wreckers; forbids display of favoritism by state troopers in selecting wrecker service; and establishes penalties for violation.

State Administration.

By Reps. Harvey and Drinkard:

H. 140. Establishing, providing for appointment to and operation of a Board of X-Ray Technologists; to provide for educational standards for X-Ray Technologists; to provide for examination and licensing of and annulment, revocation, or suspension of licenses of X-Ray Technologists; providing for the enforcement of this Act; providing for and prescribing penalties and fees.

Health.

By Rep. Harvey:

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. § 522 (d)) are not available to persons residing in this state; providing an effective date.

Judiciary.

By Rep. Ray:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Local Government.

By Rep. Ray:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

Local Government.

By Rep. Ray:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

Local Government.

By Reps. Ward, Laird and Turnham:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Ways and Means.

By Rep. Laird (With Notice and Proof):

H. 146. Relating to Randolph County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties; to give the county engineer authority to administer this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 146, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling:

H. 147. Proposing an amendment to the Constitution of Alabama relative to the election, qualifications, powers, duties, and tenure of the state superintendent of education.

Education.

The above bill was read a first time at length as required by the Constitution.

By Rep. Bowling:

H. 148. To amend Section 16-4-1 of the Code of Alabama 1975, so as to provide for the election of the state superintendent of education.

Education.

By Rep. Rains:

H. 149. To provide that the county commission of the various counties in the state may cover or fill certain abandoned wells on private property.

Health.

By Reps. Dixon and Lewis:

H. 150. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

State Administration.

By Reps. Dixon and Lewis:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

State Administration.

By Reps. Dixon and Lewis:

H. 152. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

State Administration.

By Reps. Dixon, Penry, Wyatt, Langford and Holmes:

H. 153. To regulate the payment of claims under the terms of health and accident insurance contracts issued in this state.

Insurance.

By Rep. Smith (J):

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Judiciary.

By Rep. Manley:

H. 155. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Judiciary.

By Rep. Manley:

H. 156. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Judiciary.

By Rep. Manley:

H. 157. A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

Judiciary.

By Rep. Manley:

H. 158. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Judiciary.

By Rep. Smith (J):

H. 159. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child once required to be tried as an adult and convicted or adjudged to be a youthful offender shall automatically be tried as an adult in subsequent criminal proceedings.

Judiciary.

By Rep. Smith (J):

H. 160. To amend Section 15-22-28, Code of Alabama 1975, which provides for investigations for parole of prisoners, cooperation with the board of corrections, temporary leave and furloughs, restrictions on parole, and minimum sentences to be served prior to the eligibility for parole, so as to further provide for the conditions under which temporary leave and furloughs may be granted, to alter the amount of the minimum sentence to be served prior to being eligible for parole and to limit the number of times one may be eligible for parole.

Judiciary.

By Rep. Smith (J):

H. 161. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

State Administration.

By Rep. Smith (J):

H. 162. To repeal Sections 14-9-20 through 14-9-25, Code of Alabama 1975, which provide for the commutation of prison sentences for certain prisoners based on the prisoners' good behavior.

Judiciary.

By Rep. Smith (J):

H. 163. To repeal Section 14-9-1 and Section 14-9-2, Code of Alabama 1975, which provide for the deduction of prison sentences based on the prisoner's good behavior.

Judiciary.

By Reps. Grouby, Owens and Edwards:

H. 164. To temporarily re-open the Employees' Retirement System of Alabama for prior service for certain members in certain counties; providing that as a prerequisite to obtaining such credit, said members must, on October 1, 1980, be an active and contributing member of the Employees' Retirement System of Alabama; and providing that this Act shall take effect October 1, 1980.

Ways and Means.

By Reps. Hammett and Holley (With Notice and Proof):

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 165, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey:

H. 166. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court holding at Mobile County.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Reps. Buskey and Kennedy:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Local Legislation No. 3.

By Rep. Waggoner:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

Ways and Means.

By Reps. Horn, Seibels and Hilliard:

H. 169. To amend Sections 21-3-1, 21-3-2, 21-3-4, 21-3-5, and 21-3-8, Code of Alabama 1975, which provide for the rehabilitation of crippled and disabled children, so as to include children with hemoglobin disorders within the purview of these sections.

Ways and Means.

By Rep. McKee:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

Ways and Means.

By Reps. Jackson and Campbell:

H. 171. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for

state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this Act; and repealing all laws that conflict with this Act.

State Administration.

By Rep. Owens:

H. 172. To authorize local governing bodies of counties and municipalities to invest in certain interest bearing time deposits and savings accounts independent of the state program or through the local government surplus funds trust fund; to create the local government surplus funds trust fund; to allow the State Treasurer to administer such trust fund; to provide certain procedures and manner of making investments and reports; to grant certain powers and authority to the State Treasurer to make reasonable rules and regulations necessary to implement the provisions of the act; and to permit the State Treasurer to make and collect a reasonable charge for its services.

Ways and Means.

By Rep. Owens:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

Ways and Means.

By Rep. Owens:

H. 174. To amend Sections 36-30-20, 36-30-21, 36-30-22 and 36-30-23, Code of Alabama 1975, to allow other state law enforcement officers as defined by this Act to come under the provisions of the Policeman Occupational Disease Act.

Ways and Means.

By Rep. Owens:

H. 175. To amend Section 12-19-90, Code of Alabama 1975, regarding fees charged by probate judges, so as to delete the fee for celebrating rites of matrimony.

Ways and Means.

By Rep. Owens:

H. 176. To provide that all accrued annual leave and fifty (5) percent of accrued and unused sick leave of retiring state employees shall be paid in a

lump sum payment upon retirement. Said payment to be from the State General Fund and not from regular appropriations for boards, agencies or departments.

Ways and Means.

By Rep. Owens (With Notice and Proof):

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cabaniss:

H. 178. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

Insurance.

By Rep. Cabaniss:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

Insurance.

By Rep. Cabaniss:

H. 180. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Insurance.

By Rep. Cabaniss:

H. 181. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Insurance.

By Rep. Cabaniss:

H. 182. To prohibit the formation of new Mutual Aid Associations under the provision of § § 27-30-1 through 27-30-33, Code of Alabama 1975.

Insurance.

By Rep. Cabaniss:

H. 183. To establish standards for the collection, use and disclosure of information gathered by insurers in connection with insurance transactions; to provide for a balance between the need for information by those insurers conducting the business of insurance and the public's need for fairness in insurance information practices; to provide means whereby insured natural persons may ascertain what information has been or is being collected about them in connection with insurance transactions; to provide all insureds with access to all such information collected about them for the purpose of verifying or correcting inaccuracies in such information; to limit the disclosure of information collected in connection with insurance transactions; to enable insurance applicants to obtain the reasons for any adverse underwriting decision by an insurer; to provide for enforcement of the Act by the Department of Insurance; to provide for judicial review of Orders of the Commissioner issued pursuant to the Act; to provide for Cease and Desist Orders to enforce the Act; to provide penalties for violations of the Act; and to provide an effective date of June 1, 1981.

Insurance.

By Rep. Cabaniss:

H. 184. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

Ways and Means.

By Rep. Cabaniss:

H. 185. To amend § 27-12-7, Code of Alabama 1975 Willful making false statements, under oath, required under the Alabama Insurance Code a felony. To allow venue to be Montgomery County when the statement is required to be filed with the Commissioner of Insurance.

Insurance.

By Rep. Cabaniss:

H. 186. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Ways and Means.

By Rep. Cabaniss:

H. 187. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Insurance.

By Rep. Cabaniss:

H. 188. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Insurance.

By Rep. Cabaniss:

H. 189. To amend the Uniform Standards Code of Mobile Homes Act codified into Sections 24-5-1 to 24-5-15, Code of Alabama 1975 to set up standards identical to those standards for mobile homes set up by the Federal Government.

Insurance.

By Rep. Sandusky:

H. 190. To amend § 16-24-9, Code of Alabama, 1975, to provide that school boards may at their option appoint a hearing committee for the purpose of hearing contested cancellations of teachers on continuing service status.

Education.

By Rep. Sandusky (With Notice and Proof):

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 191, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky:

H. 192. To provide the manner corporations not of a business nature may amend or alter their charters.

Judiciary.

By Rep. Sandusky (With Notice and Proof):

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 193, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sandusky and Zoghby:

H. 194. To amend Section 23-1-5 of the Code of Alabama 1975 relating to payment by the state of certain costs of relocating utility facilities owned by certain utilities so as to regulate further such payments by the state.

Ways and Means.

By Reps. McMillan, Sandusky, Zoghby, Parker, Gafford, Grouby and Cosby:

H. 195. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. McMillan and Johnson (R. G.):

H. 196. To make it unlawful for the operator of any motor vehicle to refuse to stop when directed by a duly authorized police officer or to attempt to elude a duly authorized police officer and to make it unlawful to engage in speed competition with another motor vehicle on a street or highway in this state, and to prescribe penalties for violation.

Judiciary.

By Rep. Sasser:

H. 197. To revise Section 13-5-1, Code of Alabama 1975, so as to provide for forbidding of executive or secret session of certain boards except in certain circumstances; and to provide more stringent penalties for violation.

State Administration.

By Rep. Sasser:

H. 198. To exempt from taxation alcohol manufactured for use in or used in any internal combustion engine or for use in the operation of any motor vehicle upon the highways of this state; and to further provide that the alcoholic beverage laws of this state shall in no way apply to the manufacture or sale of alcohol for use in any internal combustion engine.

Ways and Means.

By Reps. Sasser, Williams, Smith (C), Edwards, Wyatt, Warren, Harper (O), Dial and Adams (H):

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Ways and Means.

By Rep. Sasser:

H. 200. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Education.

By Rep. Sasser:

H. 201. To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Judiciary.

By Rep. Sasser:

H. 202. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Judiciary.

By Rep. Waggoner:

H. 203. To create the Alabama board of optometric scholarship awards and to make an appropriation from the Alabama special education trust fund to such board for the financing and administering of scholarship loans.

Ways and Means.

By Rep. Adams (C):

H. 204. To provide that county commissions shall meet on the same day of the following week if the regular meeting day falls on a legal public holiday.

Local Government.

By Reps. Greer and Roberts:

H. 205. To provide for the election of the members of county boards of education and of county superintendents of education in those counties having city school systems located therein.

Education.

By Reps. Dial, Mitchell, Johnson, (Roy) and Barton:

H. 206. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Constitution and Elections.

By Rep. McKee:

H. 207. To propose an amendment to the Constitution of Alabama of 1901 to repeal Section 34 of the Constitution which provides for the property rights of aliens.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. McKee:

H. 208. To provide that no nonresident alien shall acquire any interest in any agricultural lands exceeding 160 acres except such as may be acquired by devise or inheritance and such as may be held as security for indebtedness; to provide for the disposal of any such land acquired by devise or inheritance or held as security for indebtedness within three years of acquisition; to provide that any nonresident alien who become a bona fide resident shall

have the right to acquire and hold agricultural lands upon the same terms as citizens; and to provide that this act shall become effective upon the adoption of an Amendment to the Constitution of Alabama of 1901 repealing Section 34 thereof.

Judiciary.

By Rep. Venable:

H. 209. To amend Section 14-11-8, Code of Alabama 1975, which provides for introduction into or possession in penal institutions of drugs so as to make the introduction of marijuana a felony.

Judiciary.

By Reps. Venable and Johnson, (R. G.):

H. 210. To amend Section 11-40-10 of the Code of Alabama 1975, relating to the police jurisdiction of municipalities, so as to prohibit the enforcement of building codes and zoning ordinances in any county into which the corporate limits of the city or town do not extend; and to give this amendatory Act retroactive effect to January 1, 1979.

State Administration.

By Rep. Venable:

H. 211. To appropriate \$59,000.00 from the general fund in the state treasury to the general fund of Elmore County as reimbursement for costs incurred in the search for, apprehension and capture of state inmates in that county.

Ways and Means.

By Rep. Venable:

H. 212. To exempt the West El Health Services, Inc., a non-profit corporation, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Venable:

H. 213. To prescribe that any cause of action against a municipality, which has corporate limits extending into more than one county, shall be brought against the municipal governing body in the county in which the cause of action arose.

State Administration.

By Rep. Campbell:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

Local Legislation No. 1.

By Rep. Campbell: (With Notice and Proof):

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 215, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 216, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 217, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 218. To repeal Act No. 135, H. 436, approved July 1, 1969, Regular Session 1969 (Acts 1969, p. 409), entitled, "An Act Relating to counties having populations of not less than 76,000 nor more than 96,000; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees."

Local Legislation No. 1.

By Rep. Campbell (With Notice and Proof):

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 219, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 220, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 221. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Judiciary.

By Reps. Campbell and Jackson:

H. 222. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Ways and Means.

By Rep. Campbell:

H. 223. To amend Section 15-5-5 of the Code of Alabama 1975 relating to search warrants so as to further provide for the execution of search warrants by municipal law enforcement officers.

Judiciary.

By Reps. Greer, Cobb and Starkey:

H. 224. To provide for the levy and collection of a 2¢ sales tax upon the sale of soft drinks, malt or brewed beverages, and wine offered for sale in bottles, cans, or containers; to provide for the regulation and collection of said tax by the Department of Revenue; and to provide for the distribution of proceeds from said tax.

Ways and Means.

By Rep. Sandusky:

H. 225. To provide for the examination of certain persons employed or to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Education.

By Rep. Sandusky:

H. 226. To amend Section 16-24-30, 1975 Code of Alabama, providing for the creation, composition and staffing of the State Tenure Commission, so as to provide for a method of selecting the ex officio secretary of the commission and further providing for storage of all current records of the commission.

Education.

By Reps Smith (C), Waggoner, Holley, Naramore, Carter, Moore, Lewis, Bennett and Laird:

H. 227. To amend further Section 16-13-52 of the Code of Alabama 1975 relating to apportionment of the public school minimum program fund so as to change the method of determining the number of teacher units for the purpose of apportioning such fund.

Ways and Means.

By Rep. Smith (C):

H. 228. To provide for five hundred teacher units to be known as principal units to be allocated to local boards of education on the basis of earned teacher units.

Ways and Means.

By Reps. Smith (C), Drinkard, Carothers, Laird, Ward and Whatley:

H. 229. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Judiciary.

By Reps. Lewis, Dixon, Smith (C), Amari, Bowling and Bennett:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Education.

By Rep. Whatley:

H. 231. To prohibit certain acts of nepotism relating to the employment of teachers and other employees in the public schools and junior colleges in this state.

Education.

By Rep. Whatley:

H. 232. To amend section 40-12-40 of the Code of Alabama 1975 relating to the procurement of business licenses, so as to exempt certain businesses from the requirement of procuring a license for the sale of certain items which are not a part of the regular stock in trade of the business.

Ways and Means.

By Rep. Whatley:

H. 233. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Agriculture and Forestry.

By Rep. Whatley:

H. 234. To amend Section 2-29-1 of the Code of Alabama 1975 so as to include floricultural products and nursery products in the definition of "farm products"; to amend Sections 40-17-100, 40-23-4 and 40-23-62 as each was last amended, and 40-23-37 of said code relating to state sales and use tax exemptions, discounts and refunds so as to provide such exemptions, discounts and refunds for nurserymen, horticulturists and floriculturists to the same extent as they are provided for farmers and to provide retroactive effect to January 1, 1979.

Ways and Means.

By Reps. Zoghby and Sandusky:

H. 235. To amend Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors.

State Administration.

By Rep. Zoghby (With Notice and Proof):

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 236, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Parker, McMillan, Smith (M) and Drinkard:

H. 237. To amend Section 40-18-27, Code of Alabama 1975, which requires all taxpayers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual taxpayers age 65 years and older.

Ways and Means.

By Reps. Zoghby, Parker, McMillan, Smith (M) and Drinkard:

H. 238. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older.

Ways and Means.

By Reps. Zoghby, Parker, McMillan, Smith (M) and Drinkard:

H. 239. To amend Section 40-18-19, Code of Alabama 1975, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older.

Ways and Means.

By Rep. Campbell:

H. 240. To further amend Section 15-5-8 of the Code of Alabama, 1975, as amended, which section relates to when a search warrant may be executed so as to allow a search warrant to be executed at any time day or night unless restricted.

Judiciary.

By Reps. Clark and Campbell:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Banking.

By Reps. Clark and Campbell:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

Judiciary.

By Reps. Clark and Campbell:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

Judiciary.

By Reps. Clark and Campbell:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

Judiciary.

By Reps. Clark and Campbell:

H. 245. To amend Section 8-8-10 of the Code of Alabama 1975, relating to Interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Judiciary.

By Rep. Clark:

H. 246. To amend Section 36-27-4 of the Code of Alabama 1975 relating to membership in the state employees' retirement system so as to allow certain military service to qualify certain persons for membership upon the person making the required contribution.

Ways and Means.

By Reps. Clark and Campbell:

H. 247. To provide that any law to the contrary notwithstanding, any person who sells his real or personal property and who retains a mortgage or other security interest in such property, may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Judiciary.

By Rep. Clark:

H. 248. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Judiciary.

By Rep. Amari:

H. 249. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from

Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

By Rep. Stout:

H. 250. To amend Section 36-32-7, Code of Alabama 1975, which relates to minimum standards for fire fighters, so as to provide further requirements relating to the training of fire fighters.

State Administration.

By Rep. Harper (T):

H. 251. To require state agencies that report annually to the Governor to include in their report the name of the printer, where it was printed, and the cost of the report.

State Administration.

By Rep. Harper (T):

H. 252. To amend further sections 36-32-1 through 36-32-9 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission; and to provide that the legislature shall appropriate funds necessary to carry out the provisions of this act.

Ways and Means.

By Rep. Bedsole:

H. 253. To amend Section 32-9-20, Code of Alabama 1975, as amended, which provides a schedule of size and weight restrictions for vehicles driven on the highways of this state, so as to correct the omission of the word "axle" in subsection j and to correct the formula used to determine the weight.

Highway Safety.

By Reps. Bedsole and Riddick:

H. 254. To amend Section 43-2-1, Code of Alabama, 1975 which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession and distribution; to repeal Section 43-3-12, Code of Alabama 1975, which provides for the husband's distributive share of his wife's estate; and to repeal Sections 43-5-1 through 43-5-53, Code of Alabama 1975, which provide for a wife's dower interest in the husband's estate.

Judiciary.

By Rep. Riddick:

H. 255. To further amend Section 40-16-6, Code of Alabama 1975, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

Local Government.

By Rep. McKee:

H. 256. To provide that no state employee shall receive a salary greater than the salary paid the governor; to define the term "state employee" and to provide certain exceptions.

State Administration.

By Rep. Turner (With Notice and Proof):

H. 257. Relating to Washington County; providing for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in private education; providing for the methods and procedures to calculate the members contributions required to purchase such credit and conditions for eligibility; and providing that the members shall pay the total cost for such credit.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 257, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 258, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bedsole and Harper (T):

H. 259. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Education.

By Rep. Barton:

H. 260. Relating to the requirement of all physicians who make a diagnosis or treat a case of overdose of a controlled substance, as defined by the Alabama Uniform Controlled Substances Act, and the Superintendent manager, or person in charge of any hospital institution, or clinic where such diagnosis is made or treatment occurs, to report such to certain Sheriff's and municipal Chiefs of Police, and rendering an opinion as to the nature of such substance.

Judiciary.

By Reps. Payne, Pegues, Cobb, Warren, Cates, Biddle, Sandusky, Gafford, Waggoner and Olive:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

Ways and Means.

By Rep. McKee:

H. 262. To require reimbursement to the municipality which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

Local Government.

By Rep. McKee:

H. 263. To amend Section 11-51-130, Code of Alabama 1975, to authorize municipalities to levy an increased license tax on banks and branch banks.

Local Government.

By Rep. Patton:

H. 264. To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Local Government.

By Rep. Patton:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Local Government.

By Rep. Albright:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Natural Resources.

By Rep. Albright:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Natural Resources.

By Rep. Albright:

H. 268. To require certain counties and municipalities in the state to provide either a civil service merit system governing its law enforcement and firefighting officers or to enter into an agreement for participation in the state merit system.

Local Government

By Rep. Greer:

H. 269. To amend Section 36-29-7 of the Code of Alabama 1975, relating to the state employees health insurance plan so as to provide that the state shall pay the entire premium cost for coverage of its employees and their spouses and dependent children under said plan.

Ways and Means.

By Rep. Riddick:

H. 270. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property.

Ways and Means.

By Reps. Johnson (Roy), Jackson, Howard, Cheatwood, Mitchell, Cooley, Drinkard, Adams (H), Rains, Blake, Coburn, Boles, Horn, Reed, Crow, Amari, Albright, Bennett, Trammell and Greer:

H. 271. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Business and Labor.

By Rep. Johnson (Roy):

H. 272. To provide twenty-five dollars per month for each retired state employee to be used for hospital-medical insurance; to appropriate \$_____ from the general fund of the state treasury; to provide for the system of payment; and to provide that the same benefits may be provided for retirees under local pension plans by the employer or participating organization qualifying under the provisions of Section 36-27-6 of the Code of Alabama 1975.

Ways and Means.

By Reps. Johnson (Roy) and Holley:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Judiciary.

By Rep. Johnson (Roy):

H. 274. Relating to labor relations and seniority within industrial plants in Alabama; to provide that whenever an industrial plant which is located in Alabama and which employs 100 or more persons closes or ceases its operations at any particular plant location,

then those persons who lost their jobs as a result of such closing or ceasing of operations shall, if they choose to move, be given preference in the hiring and filling of vacancies at other plant locations, either in Alabama or out of state, if such other plants are owned by the same company or the same parent organization as the closed plant.

Judiciary.

By Rep. Johnson (Roy):

H. 275. To provide twenty-five dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$ from the Alabama Special Educational Trust Fund; to provide for the system of payment.

Ways and Means.

By Rep. Sasser:

H. 276. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Ways and Means.

By Reps. Carothers and Ray:

H. 277. To amend Title 33, Section 37, Code of Alabama 1940, which declares and sets forth the Mechanics and Materialmen's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

State Administration.

By Rep. Kelley:

H. 278. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

State Administration.

By Rep. Boles:

H. 279. To amend Section 16-8-26, Code of Alabama, 1975, to provide that personal leave days funded by the Alabama Special Educational Trust Fund shall be granted upon request of the teacher under procedures governing sick leave.

Ways and Means.

By Reps. Biddle and Boles:

H. 280. To remove raccoons and foxes from the category of fur-bearing animals.

Natural Resources.

By Rep. Minus:

H. 281. To amend Section 40-6-1 of the Code of Alabama 1975, relating to the qualifications and appointment of supernumerary tax collectors, tax

assessors, license commissioners or other elected officials charged with the assessment and/or collection of any ad valorem taxes in any county of the state of Alabama, so as to provide further for the qualifications and appointment of such officials.

Ways and Means.

By Rep. Minus:

H. 282. To further provide for creditable service in the Teachers' Retirement System and the Employees' Retirement System of Alabama; to provide for the granting of up to five (5) years creditable service under the respective Retirement Systems of Alabama for certain persons who served on honorable, active full-time military duty in any branch of service of the United States armed forces during a declared war or conflict; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; to provide that the member shall pay the total cost for such credit; and to repeal any conflicting laws.

Ways and Means.

By Rep. Gafford:

H. 283. To provide that a legal licensed lending institution may charge and collect an administrative fee.

Banking.

By Rep. Gafford:

H. 284. To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

State Administration.

By Rep. Starkey:

H. 285. To provide revenue by levying a privilege and license tax on gasoline and motor fuels and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; to provide for the distribution and use of the proceeds of such tax and to prescribe penalty for enforcement.

Ways and Means.

By Rep. Starkey:

H. 286. To provide a limited grant to qualified farmers and operators of motor vehicles in interstate commerce; prescribing procedures for implementing and enforcing the Act; defining violations of the Act and prescribing penalties therefor and providing for a 4¢ per gallon surtax on those interstate motor carriers liable for the tax levied by § 40-17-141, Code of Alabama 1975, and prescribing the powers, duties and authority of the commissioner of revenue in the administration and enforcement of the Act, and prescribing penalties for failure to comply.

Ways and Means.

By Rep. Manley:

H. 287. To further amend Section 40-23-4, Code of Alabama 1975 as amended, to remove the exemption for the gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution of sales tax collected on retail sales of lubricating oil and gasoline.

Ways and Means.

By Rep. Manley:

H. 288. To further amend Section 40-23-62, Code of Alabama 1975, as amended, to remove the exemption for the use storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975, as amended, which are otherwise taxed and to further amend Section 40-23-85, Code of Alabama 1975, as amended, to provide for the disposition of the tax collected on the storage use or other consumption of lubricating oil and gasoline.

Ways and Means.

By Rep. Manley:

H. 289. To amend Section 40-12-4, Code of Alabama 1975 as amended, to provide that county sales and use taxes shall not apply to the gross proceeds of sales and the use, storage or consumption of lubricating oil and gasoline as defined in Section 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Ways and Means.

By Rep. Manley:

H. 290. To amend Sections 11-51-200 and 11-51-202, Code of Alabama 1975 as amended, to provide that the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30 shall not be subject to sales and use taxes levied by incorporated municipalities within the State of Alabama.

Ways and Means.

By Rep. Manley:

H. 291. To amend Section 11-51-180, Code of Alabama 1975 as amended, to provide that the municipal license taxes shall not apply to the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Ways and Means.

By Reps. Warren and McMillan:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

Natural Resources.

By Reps. Sasser, Gafford, Biddle, McCorquodale, Manley, McMillan, Owens and Kelley:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require the taxpayer to report and pay the sales tax at the rate levied or the actual amount collected, whichever is greater. Requires that the tax on automotive vehicles, truck trailers, semitrailers, or house trailers required to be registered with the Judge of Probate be paid to the Judge of Probate at the time of registering and licensing the unit.

Ways and Means.

By Reps. Stewart, Buskey, Turner, Kennedy, Edwards, Zoghby, Waggoner, Harper (T), Crow, McMillan, Penry, Grouby and Warren:

H. 294. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Ways and Means.

By Reps. Dixon and Grouby.

H. 295. To levy a tax upon certain dog racing proceeds to be paid into the general fund.

Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Gafford:

H. J. R. 6. HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

WHEREAS, Mr. Johnnie Smith, though a native of Butler County, Alabama, has been a resident of Birmingham for some 53 years and is now retired following 35 years of diligent, dedicated service as an employee of U. S. Steel Corporation; and

WHEREAS, presently a member of the Retired Steelworkers Union, he spent many years in union leadership during his time of active employment with U. S. Steel; and

WHEREAS, he has further demonstrated outstanding citizenship through participation in numerous other civic, charitable and community affairs, including membership in the Woodlawn Community Civic League, currently serving as president of this fine organization; and

WHEREAS, that he is held in high esteem by his many friends and associates is evidenced by his Session service as an Elder of the Miller Memorial Presbyterian Church; as a longtime member of this church, Mr. Smith's Christian stewardship has encompassed active involvement in all areas of activity in witness to our Lord; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Johnnie Smith as an outstanding civic leader and citizen of Birmingham, Alabama.

BE IT FURTHER RESOLVED, That Mr. Smith and his devoted wife of 44 years, the former Roberta Ford of Perry County, receive a copy of this resolution as evidence of our sincere praise and in token of our appreciation and esteem.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 7. COMMENDING MR. E. C. JOHNSON OF HUNTSVILLE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

REPORT FILED

Pursuant to Senate Joint Resolution 172, Act 816 of the Regular Session of 1979 of the Legislature, the Chairman, Senator Dewey White, Jr., submitted the report, with supplement, of the Joint Interim Committee To Study The Rising Cost To The State of Alabama of The Medicaid Programs, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Gafford:

H. R. 8. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 138.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 138, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 138 conflict with Article 4, Section 44 of the Constitution of Alabama 1901?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send sufficient true copies of the pending bill, H. B. 138, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. R. 8, was adopted.

Also:

By Rep. Holmes:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

WHEREAS, it is the consensus of the Alabama Legislature that all Americans must stand united in support of our President during this present time of unprecedented crisis brought upon our state and nation by the seizure of some 50 American citizens held hostage by terrorists in Iran; and

WHEREAS, in violation of all international law and sense of morality, these Americans are now in their fourth month of captivity at the hands of the lawless and with the obvious support and approval of the Ayatollah Khomeini, unmistakably an irrational degenerate who defies all attempts at understanding; and

WHEREAS, though moved to rage and thoughts of immediate retaliation, we also know that the safety of our fellow Americans must first be considered and that actions by the administration have necessarily been taken with this thought foremost in mind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our full support of President Carter with regard to actions taken against Iran; we further join the administration in assigning to the government of Iran full responsibility for the safety of the American hostages and for their immediate release from captivity.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to President Carter that he may be advised of the Alabama Legislature's supportive concurrence in his concern first for the safety of the American hostages in Iran and for the safety at all times of all American citizens throughout the world.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Rep. Venable:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS OF ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the constitutional amendments proposed by the following acts of the 1979 Regular Session of the legislature is ordered to be held on March 11, 1980, the date of the presidential primary election: Act No. 70-541, S. 142; Act No. 79-337, H. 959; Act No. 79-485, H. 653; Act No. 79-330, H. 286; Act No. 79-121, H. 185; Act No. 79-459, H. 495; Act No. 79-329, H. 620; Act No. 79-331, S. 537; Act No. 79-333, H. 916.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Rep. Holmes:

H. J. R. 11. URGING THE STATE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN THE STATE OF ALABAMA TO PROSECUTE TO THE FULLEST EXTENT OF THE LAW ALL CASES OF WELFARE, MEDICAID, OLD AGE PENSION FRAUD AND ABUSE.

WHEREAS, the well-being of our young and our aged, our sick and disabled, has been severely threatened by announced intentions to drastically reduce and soon to eliminate the vital programs of the Department of Pensions and Security, and Medicaid, that are designed to aid and comfort the helpless of our state who, through no fault of their own, are unable to provide for themselves; and

WHEREAS, while acknowledging that these programs are in jeopardy because of a severe shortage of funds and presently insufficient revenues, we also are cognizant that there are those that have misused and abused said programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge an exhaustive search of each and every suspected case of welfare, medicaid, old age pension fraud and abuse, not only on the part of individual recipients of such aid, but of nursing home officials, doctors and pharmacists, as well; when evidence of such fraud proves to be the case, we further hereby call upon our state's Attorney General and all district attorneys to prosecute to the fullest extent of the law.

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to Attorney General Graddick and to all district attorneys in the State of Alabama that they may forthwith comply with this request.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 11, was adopted.

REPORT FILED

Pursuant to House Joint Resolution 315, Act 79-764 of the 1979 Regular Session of the Legislature, the Chairman, Representative George N. Clark, submitted the report of the Joint Interim Committee on Electricity, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. St. John:

S. J. R. 1. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 5, 1980, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Denton, and Higginbotham.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

And the Speaker has appointed as members on the part of the House Reps. Campbell, Sandusky and Moore.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and send same herewith to the House for its consideration:

By Mr. St. John:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Taylor, Goodwin, and Miller.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

And the Speaker has appointed as members on the part of the House Reps. Zoghby, Stout and Grouby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. St. John, Robertson, deGraffenried, Callahan, Goodwin, White, Proctor, Bailey, Barron, Britnell, Clemon, Cook, Denton, Figures, Glass, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Smith, Taylor, Teague, Vacca and Weeks:

S. J. R. 3. INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, during the past two decades, the State of Alabama has become the undisputed giant of college football, almost entirely due to the outstanding leadership and coaching genius of Coach Paul William "Bear" Bryant; and

WHEREAS, Coach Bryant, during his tenure at the University of Alabama, has no doubt established and compiled more records than any other coach in the entire history of the game; and

WHEREAS, numbered among his accomplishments are: Winner of the most games during a 10-year period, 21 consecutive bowl appearances at Alabama, more wins than any other living coach, 19 Alabama teams in the nation's top ten, and he is now riding the nation's longest winning streak; Coach Bryant also is the winner of more national titles than any other coach, he is National Coach of the Decade for the 1970's, he has been Coach of the Year more times than any other, he is Southeastern Conference Coach of the Century and is the only coach ever to win two back-to-back national championships; and

WHEREAS, the 1979 Crimson Tide's twelve big wins raised the number of Alabama victories in the past 10 years to 103, making the Tide the first ever to win 100 or more games in a decade; and

WHEREAS, with 296 career victories now to his credit, Coach Bryant is just nineteen wins away from breaking Amos Alonzo Stagg's all-time record to become the winningest coach in the history of football, a record which true Tide and "Bear" fans expect never again to be broken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request Coach Paul "Bear" Bryant to address a joint session of the Legislature at his earliest possible convenience.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to inform Coach Bryant, by copy of this resolution, of our invitation and that we hopefully await his acceptance.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. deGraffenried, Robertson, St. John, Cook, Goodwin:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

Also:

By Messrs. Robertson, deGraffenried, and Miller:

S. J. R. 5. HONORING COLONEL JOHN T. SULLIVAN UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

By Mr. Kirkland:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

Also:

By Mr. Weeks:

S. J. R. 7. CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

By Mr. Proctor:

S. J. R. 8. COMMENDING THE UNIVERSITY OF MONTEVALLO PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF SPECIAL OLYMPICS.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 4 and S. J. R. 5, the titles of which are set out in the above and foregoing Message from the Senate.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the resolution, S. J. R. 6, the title of which is set out in the above and foregoing Message from the Senate:

Amend S. J. R. 6 as follows:

Amend S. J. R. 6, page 2, line 8 after the word "Speak" delete the period and add a comma, and then add the following words, "and they are respectfully urged to arrange their meeting during the month of February, 1980, due to the many critical Federally related issues and to be especially prepared to address Medicaid problems, and solutions.

AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Rep. Manley, the resolution, S. J. R. 6 as thus amended, was adopted.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 7 and S. J. R. 8, The titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. J. R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That there is hereby created a joint committee of the two Houses to Investigate the Alleged Funding Improprieties, Investment Inadequacies and Other Fiscal Discrepancies in Higher Education;

The Committee shall be composed of five (5) members of the House of Representatives to be appointed by the Speaker of the House and five (5) members of the Senate to be appointed by the Lieutenant Governor. The Committee shall meet immediately upon its appointment and elect a chairman and vice-chairman from its membership;

The Committee shall meet at any time during the 1980 Regular Session of the Legislature when the Legislature is not in session preferably on Wednesday when other legislators can be available to hear the testimony; said Committee shall make a written report of its findings to the House of Representatives and to the Senate on or before the Fifteenth (15th) Legislative Day of the 1980 Regular Session and shall terminate on the 15th Legislative Day.

BE IT FURTHER RESOLVED That no funds shall be appropriated to the Committee, but the Clerk of the House and the Secretary of the Senate are directed to supply such secretarial, clerical and research assistance as might be required or needed by the Committee;

That the Governor, Finance Director or former Finance Director and current Fiscal Advisor are requested to supply to the chairman of this Committee forthwith a copy of the report of financial discrepancies in higher education fiscal matters that has been referred to by the press in recent weeks;

Further, all institutions of higher education are directed to respond to the committee's request for any financial records, investment portfolios or other monetary reports, records or dealings promptly as requested by the Committee;

The Committee is directed to forthwith hold public hearings in the House Chamber to obtain a full disclosure of the alleged financial improprieties and a full and complete response and disclosure by all institutions of higher education.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 12, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Manley, the House recessed until 6:15 o'clock p.m.

HOUSE RECONVENED

The hour of 6:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

JOINT SESSION

The hour of 6:30 o'clock p.m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 3 heretofore adopted, for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable George D. H. McMillan, Jr. Lieutenant Governor and Presiding Officer of the Senate.

GOVERNOR'S MESSAGE

His Excellency, Fob James, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

NOTICE IN WRITING

Rep. Pegues filed the following Notice in Writing:

NOTICE IN WRITING

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule No. 43 as follows:

Rule 43. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means

- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture and Forestry
- (11) Natural Resources
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Commerce and Transportation
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Local Legislation No. 1
- (19) Local Legislation No. 2.
- (20) Local Legislation No. 3
- (21) Local Legislation No. 4

(22) Sunset, which committee for purposes of continuity shall be automatically composed of the same House members as the Select Joint Sunset Committee provided for in Section 41-20-4 of the Code of Alabama 1975, as amended.

RESOLUTION

The following resolution was introduced:

By Reps. Dixon, McMillan, Sandusky, Pegues, Cabaniss, Kelley, Carothers, Waggoner, Shoemaker, Riddick, Venable, Hammett, Carter, Roberts, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy) Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 13. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

WHEREAS, Savilla Katherine Thompson Simmons, known to all as "Miss Kate", has rendered fifty-one years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Miss Kate has faithfully served every governor since Governor Bibb Graves in 1930; and

WHEREAS, her retirement on January 31, 1980 marked the end of an illustrious career as Alabama's No. 1 public servant; and

WHEREAS, her presence will be sorely missed by everyone who has known and worked with her over the years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama hereby expresses our most heartfelt appreciation to Mrs. Kate Simmons for the decades of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, that the desk and typewriter which Miss Kate used during her tenure as Recording Secretary to the Governor's Office be presented to Miss Kate as a token of appreciation and esteem from the people of Alabama and in recognition of a job well done.

On motion of Rep. Dixon, the rules were suspended and resolution, H. J. R. 13, was adopted.

REPORT FILED

Pursuant to Senate Bill 128, Act 512, of the Regular Session of 1976 of the Legislature, Sen. Bill Smith, Chairman, submitted the report adopted by the Joint Committee to Implement the Provisions of the Sunset Law, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. RELATIVE TO MEETING DATES AND ADJOURNMENTS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 4, said Senate amendment being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, February 5, 1980, they adjourn to meet again on Thursday, February 7, 1980; when they adjourn on Thursday, February 7, they adjourn to meet again on Tuesday, February 12, 1980; when they adjourn on

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Tuesday, February 12, they adjourn to meet again on Thursday, February 14, 1980; when they adjourn on Thursday, February 14, they adjourn to meet again on Wednesday, February 20, 1980; and when they adjourn on Wednesday, February 20, they adjourn to meet again on Thursday, February 21, 1980.

And the resolution, H. J. R. 4 as thus amended, was adopted.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 5 heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday February 7, 1980.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, February 7, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Donald Denmark, Pastor, Harvest Time Church of God, Montgomery, Alabama

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 14. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 7, 1980, we adjourn to meet again on Tuesday, February 12, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 14, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with favorable report, and they were severally read a second time placed on the Calendar, to-wit:

H. 285. To provide levying a privilege and license tax on gasoline and motor fuels and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; to provide for the distribution and use of the proceeds of such tax and to prescribe penalty for enforcement.

H. 286. To provide a limited grant to qualified farmers and operators of motor vehicles in interstate commerce; prescribing procedures for implementing and enforcing the Act; defining violations of the Act and prescribing penalties therefor and providing for a 4¢ per gallon surtax on those interstate motor carriers liable for the tax levied by § 40-17-141, Code of Alabama 1975, and prescribing the powers, duties and authority of the commissioner of revenue in the administration and enforcement of the Act, and prescribing penalties for failure to comply.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 287. (With Amendment): To further amend Section 40-23-4, Code of Alabama 1975 as amended, to remove the exemption for the gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution of sales tax collected on retail sales of lubricating oil and gasoline.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 288. To further amend Section 40-23-62, Code of Alabama 1975, as amended, to remove the exemption for the use storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170,

Code of Alabama 1975, as amended, which are otherwise taxed and to further amend Section 40-23-85, Code of Alabama 1975, as amended, to provide for the disposition of the tax collected on the storage use of other consumption of lubricating oil and gasoline.

H. 289. To amend Section 40-12-4, Code of Alabama 1975 as amended, to provide that county sales and use taxes shall not apply to the gross proceeds of sales and the use, storage or consumption of lubricating oil and gasoline as defined in Section 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

H. 290. To amend Sections 11-51-200 and 11-51-202, Code of Alabama 1975 as amended, to provide that the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30 shall not be subject to sales and use taxes levied by incorporated municipalities within the State of Alabama.

H. 291. To amend Section 11-51-180, Code of Alabama 1975 as amended, to provide that the municipal license taxes shall not apply to the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to wit:

H. 78. (With Substitute): To make a supplemental appropriation to the Alabama State Bar, from the general fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in Session had acted on the following bills and ordered same return to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts, to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

H. 104. To prohibit the sale of alcoholic beverages at any of the state welcome centers and rest areas along the public highways of Alabama.

H. 270. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property.

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

H. 133. To amend Section 15-9-2 of the Code of Alabama 1975 so as to increase the amount of rewards that may be offered by a municipal governing body for information leading to the arrest and conviction of guilty persons.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same return to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

H. 247. To provide that any law to the contrary notwithstanding, any person who sells his real or personal property and who retains a mortgage or other security interest in such property, may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

H. 33. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

H. 80. To amend sections 12-12-30 and 12-12-31, Code of Alabama 1975, relating to the jurisdiction of the district courts, so as to define further the jurisdictional amount of the district courts as not exceeding \$5,000.00, exclusive of attorneys' interest and costs and the jurisdictional amount of the small claims docket of the district courts as not exceeding \$500.00, exclusive of attorneys' fees, interest and costs.

H. 10. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act to create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

H. 245. To amend Section 8-8-10 of the Code of Alabama 1975, relating to Interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

H. 221. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings; and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 79. (With Amendment): To amend Section 26-13-1, Code of Alabama 1975, regarding authorizing the relief of minor children from disabilities of nonage, so as to reduce the age of relief.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same return to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

H. 17. To amend section 12-16-150, Code of Alabama 1975, relating to the challenge of jurors for cause, so as to remove the disqualification of jurors over the age of 65.

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. § 522 (d)) are not available to persons residing in this state; providing an effective date.

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

H. 45. To provide for the repurchase of certain inventories from retailers upon the termination of contracts; to provide definitions; to specify repurchase price and costs of handling; to provide for the transfer of title and right of possession pursuant to such repurchases; to provide civil liability for failure or refusal to repurchase; to provide civil liability for failure or refusal to repurchase; to provide for rights of heirs of retailers; to provide security interests in certain unaffected inventories and for repurchases not subject to bulk sales law and inspection of parts packed for shipping; and to provide that the provisions hereof shall not be waived.

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

H. 109. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belonging to a husband so as to give the same rights to the husband.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 67. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

H. 284. To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

H. 235. To amend Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 36. (With Amendment): To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar. to-wit:

H. 8. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal §5-16-38, Code of Alabama 1975.

H. 283. To provide that a legal licensed lending institution may charge and collect an administration fee.

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate of rates of interest.

H. 76. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Section 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

H. 68. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

H. 205. To provide for the election of the members of county boards of education and of county superintendents of education in those counties having city school systems located therein.

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 136. To regulate certain marine dealership practices in the State of Alabama.

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 93. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

H. 94. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

H. 262. To require reimbursement to the municipality which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

H. 263. To amend Section 11-51-130, Code of Alabama 1975, to authorize municipalities to levy an increased license tax on banks and branch banks.

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

H. 60. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

H. 62. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

H. 64. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

H. 59. To provide that members of the national guard while on state active duty shall be possessed with the same legal authority as a deputy sheriff, including but not limited to all law enforcement powers including powers of arrest.

H. 65. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

H. 127. Relating to Sumter County; to amend Section 2 of Act. No 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission so as to further provide for such expense allowances.

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

The above bill was read a second time at length as required by the Constitution.

H. 131. Relating to Sumter County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold; and to levy a tax on such wine.

H. 137. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with favorable report, with amendment, and it was read a second time and place on the Calendar, to-wit:

H. 257. (With Amendment): Relating to Washington County; providing for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in private education; providing for the methods and procedures to calculate the members contributions required to purchase such credit and conditions for eligibility; and providing that the members shall pay the total cost for such credit.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution. to-wit:

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H. J. R. 4. Relative to meeting days: Thursday, February 7, 1980, Tuesday, February 12, 1980, Thursday, February 14, 1980, Wednesday, February 20, 1980, Thursday, February 21, 1980.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 6. HONORING MR. JOHNNIE SMITH OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT CARTER'S ACTIONS WITH REGARD TO THE IRANIAN CRISIS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Hall (With Notice and Proof):

H. 296. To provide for the election and necessary residence of the county superintendent of education in Madison County; to provide for a referendum election in said county to determine if the provisions of this act shall become effective.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 296, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hall:

H. 297. To amend section 16-8-2 of the Code of Alabama 1975 relating to the election and terms of the members of the several county boards of education in this state, so as to provide further for the terms of office of such members.

Education.

By Rep. McKee:

H. 298. Amending Section 5-19-20 of the Code of Alabama 1975 so as to limit the premium which may be charged or collected for credit life insurance written in connection with a credit transaction subject to the Alabama Consumer Credit Act of 1971, or "Mini-Code" (Acts 1971, Regular Session, No. 2052), and to require calculation of such premium based upon the amount financed.

Insurance.

By Rep. McKee:

H. 299. To amend Section 5-18-17(a) of the Code of Alabama 1975, as amended by Act No. 79-327, so as to limit the maximum premium which lenders may charge for credit life insurance written in connection with loans governed by the Alabama Small Loan Act.

Insurance.

By Reps. Mitchell, Zoghby, Minus and Barton:

H. 300. To amend Section 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

State Administration.

By Rep. Minus (With Notice and Proof):

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Local Legislation No.1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 301, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

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By Reps. Smith (C), Langford, Whatley, McKee, Grouby, Wyatt, Edwards, Reed, Dixon, Cates, Holmes, Harper (O), Ward, Grimsley, Holley, Letson, Adams (B), McMillan, Moore, Minus, Johnson (R.G.), Dial, Shoemaker and Carothers:

H. 302. To amend Section 2-3-20, Code of Alabama 1975; to provide for farmers' market facilities throughout this state for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meeting regulations and compensation of its membership; to prescribe punishment for violators of those regulations adopted pursuant to this Act and to make an appropriation from the general fund to carry out the provisions of this Act.

Ways and Means.

By Reps. Biddle, Payne and Waggoner:

H. 303. Relating to the Alabama state law enforcement officers; to provide for the method, manner, length of time in grade; and requires the State Personnel Department to publish at least one (1) year before each test, a list of the books from which said promotional tests are derived.

State Administration.

By Reps. Biddle and Waggoner:

H. 304. To provide that the salary of state law enforcement officers shall be adjusted according to the consumer price index; and to appropriate sufficient funds and define state law enforcement officer.

Ways and Means.

By Reps. Campbell, Kelley and Shoemaker:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$1,000.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Ways and Means.

By Reps. Shoemaker and Kelley:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1 1/2% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

State Administration.

By Reps. Kelley and Shoemaker:

H. 307. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment

for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

State Administration.

By Reps. Kelley and Shoemaker:

H. 308. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

State Administration.

By Reps. Campbell and Kelley:

H. 309. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide a minimum advance payment rate for governmental employers and the procedure for appealing an assigned rate.

Ways and Means.

By Reps. Shoemaker and Kelley:

H. 310. To amend Section 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

State Administration.

By Reps. Campbell and Kelley:

H. 311. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Judiciary.

REGULAR SESSION
2nd Day

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By Reps. Kelley, Owens, and Smith (M):

H. 312. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-24, 34-7-6, and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-13, 34-7-14, 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

Health.

By Rep. Kelley:

H. 313. To provide for the identification of leaf vegetable material commonly known as marihuana for misdemeanor cases by qualified law enforcement officers; to provide for an adequate training program to be offered by the department of forensic sciences for training selected personnel in the reliable, proven procedures to identify leaf marihuana; to provide for the issuance of certificates to those officers satisfactorily completing the required training and for continued monitoring of the program by the department; to provide for the admissibility of the testimony of such qualified officer into evidence by a court hearing a misdemeanor charge involving marihuana; and to provide for further testing of the vegetable material in question when parties to the cause may so request.

Judiciary.

By Reps. Starkey, Greer and Coburn:

H. 314. To authorize certain officials of the state's high schools and post-secondary institutions to register eligible students to vote, subject to the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

Constitution and Elections.

By Rep. Roberts:

H. 315. To require that persons convicted of committing certain crimes against the elderly and handicapped to be sentenced to a term of imprisonment of at least three years.

Judiciary.

By Reps. Dixon and Waggoner:

H. 316. To amend Section 11-58-1 of the Code of Alabama 1975 relating to medical clinic boards so as to redefine the term "Clinical Facilities."

Health.

By Rep. Sasser:

H. 317. To provide additional revenue from several sources for the state highway department for the construction and maintenance of public roads and bridges by imposing an excise tax and an inspection fee on certain gasohol, petroleum products and substitutes therefor, and imposing varying highway vehicle-use fees on different motor vehicles; to impose an additional \$.02 per gallon excise tax paralleling the existing law imposing an excise tax on gasoline, motor fuels and lubricating oils and substitutes therefor, with

the exception of gasohol produced in Alabama which by virtue of this act is exempted from all excise taxes; to impose an inspection fee of \$.01 per gallon on such products; to impose highway vehicle-use fees for various vehicles; to provide the commissioner of revenue and the department of revenue with the authority and duty of collecting said taxes and fees together with the power to promulgate rules and regulations to carry out the provisions of this act; and to provide penalties and restraints for violations.

Ways and Means.

By Rep. Sasser:

H. 318. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

Ways and Means.

By Rep. Sasser:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

Ways and Means.

By Rep. Smith (J):

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Judiciary.

By Rep. Buskey:

H. 321. To provide that teachers shall be paid for certain accumulated sick leave days upon retirement.

Ways and Means.

By Rep. Buskey:

H. 322. To amend Section 16-24-12, Code of Alabama, 1975, so as to provide a hearing and mandate three evaluations during the school year prior to the termination of a teacher not in continuing status; providing further that termination for cause may occur without evaluations.

Education.

By Rep. Albright:

H. 323. To amend paragraph (e) of Section 16-25-14, Code of Alabama, 1975 so as to remove the penalty for disability retirement benefits.

Ways and Means.

By Rep. Albright:

H. 324. To require posting of vacancy notices by educational employing boards and institutions.

Education.

By Rep. Albright:

H. 325. To amend Section 6-5-332 of the Code of Alabama, 1975, so as to include educators in the exemptions from liability when rendering emergency care.

Health.

By Rep. Albright:

H. 326. To amend Section 16-13-52, Code of Alabama, 1975, relating to the determination of the number of teachers units allowed, so as to prescribe that the basis for determining teacher units be changed from average daily attendance to average daily membership; to reduce the ratio of students per teacher unit from 28 to 25; to provide for additional support units in the ratio of 1 for each 10 earned teacher units; and to repeal and supersede conflicting laws or parts of laws.

Ways and Means.

By Rep. Albright:

H. 327. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1981.

State Administration.

By Rep. Albright:

H. 328. To establish and define the right of professionally certificated personnel employed by the respective boards of education to join, organize, and designate representatives of their own choosing for the purpose of negotiating with their employer; to state a purpose; to establish public policy; to define certain terms; to provide for recognition of professional employees' organizations for purposes of professional negotiation; to prohibit interference with, restraint or coercion of, and discrimination against any person due to the exercise of rights under the Act; to provide for inclusion or exclusion of certain supervisory personnel in a negotiating unit; to provide for negotiations; to provide for agreements and their effect; to provide for resolution of impasse; to provide for certain appearances before the board of education; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

State Administration.

By Rep. Albright:

H. 329. To provide a means of controlling the total size of a class containing exceptional students and/or students below grade level.

Ways and Means.

By Rep. Albright:

H. 330. To provide that all university faculty members shall receive an allocation for hospital-medical insurance.

Ways and Means.

By Rep. Albright:

H. 331. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide personal liability insurance for bus drivers or any employee required to transport pupils.

Ways and Means.

By Rep. Riddick:

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Ways and Means.

By Rep. Smith (J):

H. 333. To establish minimum sentences which must be served by persons incarcerated with this State for felony crimes.

Judiciary.

By Rep. Horn:

H. 334. To provide that salary increases for advanced degrees shall be granted at the time they are earned.

Ways and Means.

By Reps. Horn and Buskey:

H. 335. To provide that a school teacher, public employee or support personnel employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Ways and Means.

By Rep. Horn:

H. 336. To provide that boards of control of local school systems, state public educational institutions and agencies make available payroll deduction of dues for the local affiliate of any general incorporated statewide educators' organization or labor organization if their employees request this service. Deduction of dues shall not be required for any organization which serves only persons employed in a particular subject matter area or that is not affiliated with a statewide educators' organization which is incorporated under Alabama statutes or labor organization.

Health.

By Reps. Horn and Buskey:

H. 337. To provide that employees of local school boards shall be granted certain holidays with pay over and above the required 180 workdays.

Ways and Means.

By Rep. Horn:

H. 338. To amend Section 16-24-2, Code of Alabama, 1975, so as to provide for tenure for assistant principals, coordinators, and counselors.

Education.

By Rep. Boles (With Notice and Proof):

H. 339. Relating to Jefferson County, providing that no public water authority or board may extend water lines across county boundaries until all areas within such county have adequate water facilities.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 339, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Boles (With Notice and Proof):

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 340, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Boles:

H. 341. To amend Section 41-5-14 of the Code of Alabama 1975, so as to require the examination and auditing of the records and accounts of the city boards of education by the department of examiners of public accounts at the expense of the state.

Ways and Means.

By Rep. Boles:

H. 342. To amend Section 37-1-80 of the Code of Alabama, 1975, relating to a fair net return for the utility, so as to set utility rates on a uniform basis.

State Administration.

By Rep. Boles:

H. 343. To prohibit any incorporated municipality from annexing territory in a county other than the one in which the majority of its corporate territory lies, without the consent of the governing body of the county in which the newly annexed territory lies.

Local Government.

By Rep. Boles:

H. 344. To provide that compensation shall continue to accrue to a teacher during the period of suspension prior to a contested hearing.

Ways and Means.

By Rep. Boles:

H. 345. To allow school devotionals.

Education.

By Rep. Boles:

H. 346. To amend Section 16-24-10, Code of Alabama, 1975, so as to prevent double jeopardy.

Judiciary.

By Rep. Boles:

H. 347. To require that city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Ways and Means.

By Rep. Boles:

H. 348. To amend Section 16-8-23, Code of Alabama, 1975, relating to the county board of education's appointment and dismissal authority over personnel.

Education.

By Rep. Boles:

H. 349. To provide that one day of the required 180 days be set aside for the teacher to prepare grades and report cards.

Ways and Means.

By Rep. Boles:

H. 350. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent; further to provide that such supervisory responsibilities shall be a fulltime assignment.

Ways and Means.

By Rep. Boles:

H. 351. To require local school boards to provide professional leave for workshops and related conferences and conventions.

Ways and Means.

By Rep. Boles:

H. 352. To amend Section 21-1-22 of the Code of Alabama, 1975 which relates to personal leave at Alabama Institute for the Deaf & Blind.

Ways and Means.

By Rep. Boles:

H. 353. To amend Section 16-8-26 of the Code of Alabama, 1975, so as to allow personal leave to be cumulative up to 5 days.

Ways and Means.

By Rep. Boles:

H. 354. To amend Section 44-1-5 of the Code of Alabama, 1975 so as to allow personal leave granted to employees of the Department of Youth Services to be cumulative up to five days.

Ways and Means.

By Rep. Cates:

H. 355. To provide that any annually appropriated funds allocated to local boards of education and institutions of higher learning may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Ways and Means.

By Reps. Bedsole, McMillan, Hines and McCorquodale:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

Natural Resources.

By Rep. Campbell:

H. 357. To provide for the indictment and the joint trial of criminal defendants.

Judiciary.

By Rep. Campbell:

H. 358. To provide that two or more offenses may be joined in an indictment, information or complaint and that said offenses may be tried together.

Judiciary.

By Rep. Hilliard:

H. 359. To authorize the Governor to donate surplus books owned by the state to the various law schools in this state and to other institutions of higher learning.

Public Welfare.

By Reps. Pegues and Hilliard:

H. 360. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Sunset.

By Rep. Pegues:

H. 361. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Sunset.

By Rep. Hilliard:

H. 362. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Sunset.

By Rep. Hilliard:

H. 363. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Sunset.

By Reps. Hilliard and Hammett:

H. 364. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Sunset.

By Reps. Pegues, Whatley, Hilliard and Hammett:

H. 365. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Sunset.

By Reps. Whatley and Hilliard:

H. 366. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Sunset.

By Rep. Hammett:

H. 367. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

Sunset.

By Reps. Hilliard and Hammett:

H. 368. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Sunset.

By Rep. Pegues:

H. 369. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Sunset.

By Reps. Pegues and Hilliard:

H. 370. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and otherwise provided by law.

Sunset.

By Rep. Pegues:

H. 371. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

Sunset.

By Rep. Cosby:

H. 372. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Sunset.

By Reps. Pegues and Hilliard:

H. 373. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Sunset.

By Whatley and Hilliard:

H. 374. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Sunset.

By Reps. Cosby and Pegues:

H. 375. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which sections requires surety bond from applicants.

Sunset.

By Rep. Pegues:

H. 376. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Sunset.

By Rep. Whatley:

H. 377. To change the name of the Board of distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said

board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Sunset.

By Rep. Cosby:

H. 378. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Sunset.

By Rep. Whatley:

H. 379. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

Sunset.

By Reps. Cosby, Hilliard and Whatley:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period had been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Sunset.

By Rep. Whatley:

H. 381. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975,

which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

Sunset.

By Rep. Hammett:

H. 382. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapters 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

Sunset.

By Reps. Pegues and Hilliard:

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Sunset.

By Reps. Lewis and Manley:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, and to capture the color of the motor vehicle in state and county records.

State Administration.

By Reps. Amari and Carothers:

H. 385. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Health.

By Reps. Amari, Waggoner, Moore, Trammell, Bennett, Smith (J) and Howard:

H. 386. To amend Section 40-23-4, Code of Alabama 1975, relating to exemptions from the state sales tax, so as to include in the exemptions the gross receipts from the sales of artificial eyes and limbs, eyeglasses, dentures and hearing aids.

Ways and Means.

By Rep. Reed:

H. 387. Relating to elections; to provide for the taking of applications for voter registration by each high school principal of each high school in this state.

Constitution and Elections.

By Reps. Dial, Drinkard, Shavers, Edwards, Adams (H), Blake, Bowling, Stout, Campbell, Cates, Patton, Letson, Roberts, Johnson (R.G.), Kelley, Venable, Hammett, Williams, Grimsley, Carothers and Crow:

H. 388. To repeal Act 79-808, Regular Session, 1979, which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

State Administration.

By Reps. Zoghby, Parker, Mitchell, Cosby, Ward and Harrison:

H. 389. Amending Sections 17-4-158 and 17-4-160, Code of Alabama 1975, relating to voter registration, so as to require that certain city clerks be appointed as deputy registrars; to provide for a voter outreach program for identifying qualified citizens who are not registered voters and to register such persons; to establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

Constitution and Elections.

By Reps. Howard and Boles (With Notice and Proof):

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 390, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hammett:

H. 391. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Local Government.

By Rep. Hines:

H. 392. To provide procedure whereby any project approved as an undertaking to be acquired by any industrial development board incorporated under Title 11, Chapter 54, Article 4 of the Code of Alabama 1975 may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Local Government.

REPORT FILED

The Report of The State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted to the Alabama Legislature of 1980, and the report was ordered filed.

RESOLUTIONS

The following resolution was introduced:

By Reps. Riddick, Smith (J), Gregg, Smith (M), Albright and Hall:

H. J. R. 15. COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

WHEREAS, having learned of the retirement of Dr. Otis Franklin Gay as Health Officer, Huntsville, Alabama, on January 1, 1980, the Alabama Legislature desires to recognize Dr. Gay's many outstanding accomplishments and contributions of note in the vital area of Public Health; and

WHEREAS, a native of Clark County, Georgia, Dr. Gay was educated in the Georgia public schools and holds a degree in Pharmacy from the University of Georgia, Doctor of Medicine and Master of Public Health Degrees from Tulane University and his Doctor of Laws Degree from the University of Alabama; he is a member of the Madison County Medical Society, Medical Association of the State of Alabama, American Medical Association, The American Public Health Association, Delta Omega Honorary Public Health Society and he is a Fellow of the Royal Society of Health, England, having been elected by invitation in 1965; and

WHEREAS, a founder and past president of the Alabama Public Health Association, he also is a founder of the Alabama Association of Sanitarians and is the recipient of numerous awards which include the William Henry Sanders Award of the Medical Association of Alabama and the 1975 Huntsville's Distinguished Citizen's Award by the Chamber of Commerce; he further has served in various capacities of leadership on many committees and boards of charitable, civic and cultural organizations at both local and statewide levels; and

WHEREAS, Dr. Gay's prestigious career is highlighted by achievement, innovation and positive reform; he is responsible for the adoption of professional policies and procedures which now are generally accepted throughout the country as correct and necessary and he has also played a major roll in effectuating numerous important programs now developed, promulgated and enforced by the health department; and

WHEREAS, since 1950, Dr. Gay has devoted his professional life to dedicated service in "protecting the health and well-being of the people of Huntsville and Madison County;" he has successfully established health care in the Huntsville and surrounding areas as responsive to the needs of his fellow citizens and has earned for himself a position of honor and prestige in his chosen profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Otis Franklin Gay on his outstanding career; we wish him every future success and direct that he receive a copy of this resolution in token of appreciation and in praise.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Minus:

H. R. 16. COMMENDING MRS. SUSIE LEE WILLIAMS ALLEN FOR BEING SELECTED CHOCTAW COUNTY BUSINESS PROFESSIONAL WOMEN'S CLUB "WOMAN OF ACHIEVEMENT" FOR 1979.

Also:

The following resolutions were introduced:

By Rep. Dixon:

H. J. R. 17. PROCLAIMING THAT PORCELAIN PAINTING BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

WHEREAS, for purposes of right of reproduction, transfer of ownership and sale, and for the further purpose of entering artistic works in fine art shows, art fairs and other exhibitions, it is desirable that various mediums be clearly defined; and

WHEREAS, in the State of Alabama, there are many artists who almost exclusively use the medium of porcelain painting as a method of artistic expression; and

WHEREAS, not only are the artistic endeavors of porcelain painters as lasting as works on canvas, wood or paper, but the art itself requires a more exacting technique than most other mediums as the porcelain must be fired between each application to set colors into the glaze and various colors, of necessity, are fired at different temperatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of porcelain painting as a true art form and on behalf of our state's many porcelain artists, we hereby proclaim that, in the State of Alabama, porcelain painting, for any purpose, shall henceforth be defined as "fine art."

On motion of Rep. Dixon, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Rep. Hilliard:

H. J. R. 18. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor, upon written approval of the Chief Justice of the Alabama Supreme Court, donate any surplus books owned by the state to various law schools located in this state to which qualified members of the public may attend upon acceptance by any such school, or to any other publicly-owned institute of higher learning.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Fob James with a copy also provided for the Chief Justice of the Alabama Supreme Court.

The resolution, H. J. R. 18, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Pegues:

H. R. 19. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That, a Notice in Writing having been previously filed, Rule 43 is amended as follows:

Rule 43. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking

- (8) Insurance
- (9) Education
- (10) Agriculture and Forestry
- (11) Natural Resources
- (12) Public Welfare
- (13) Constitution and Elections
- (14) Commerce and Transportation
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Local Legislation No. 1
- (19) Local Legislation No. 2
- (20) Local Legislation No. 3
- (21) Local Legislation No. 4

(22) Sunset, which committee for purposes of continuity shall be automatically composed of the same House members as the Select Joint Sunset Committee provided for in Section 41-20-4 of the Code of Alabama 1975, as amended.

On motion of Rep. Pegues, the resolution, H. R. 19, was adopted.

Yeas 61; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hilliard, Hines, Holley, Johnson (R. G.), Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Nevett, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Venable, Ward, Whatley and Williams

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Nays:

Reps.: Cheatwood, Harrison, Holmes, Langford, Rains, Turner and Wyatt.

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Also:

By Rep. Penry, Amari and McMillan:

H. J. R. 20. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

WHEREAS, as a result of Hurricane Frederic, Alabama's beautiful Gulf Shores area was almost totally destroyed, leaving thousands of area residents homeless and bereft of all personal possessions; and

WHEREAS, following the storm, residents and workers began the formidable task of restoring order, repairing, rebuilding and beginning anew; and

WHEREAS, Ms. Millie Maccia, owner of the Anchorage Social Club, is to be most highly commended for her efforts on behalf of Gulf Shores' residents and property owners, and the countless number of workers involved in the restoration labors; her establishment was opened immediately after the storm and remained open continuously, serving hot meals, over 150,000 in all, to residents and workers in the area; and

WHEREAS, it is to be noted that Ms. Maccia and her employees provided exceptional service under extremely difficult circumstances, working tirelessly and with dedication, considering only the immediate needs of the affected South Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to others, we do hereby most highly commend Ms. Millie Maccia of Gulf Shores, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Ms. Maccia that she may be aware of this body's deep appreciation, of our high praise, and esteem.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 21. COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

WHEREAS, in its desire to recognize outstanding service to others, the Legislature of Alabama notes, with deep appreciation, the extraordinary dedication demonstrated by Ms. Hazel Scruggs of Gulf Shores, Alabama, for the residents, property owners and workers in the area following Hurricane Frederic; and

WHEREAS, to insure that hot meals would be available, Ms. Scruggs, owner of Hazel's Nook in Gulf Shores, reopened her establishment immediately after the storm and began serving the countless thousands in the area, those left homeless by the ravages of the storm and those who converged on Gulf Shores to begin the monumental task of cleaning up the debris and repairing the havoc left by the hurricane; and

WHEREAS, it is especially to be noted that meals were provided free of charge to members of the Alabama Army and Air National Guards on duty in the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Ms. Hazel Scruggs of Gulf Shores, Alabama, voicing our praise and appreciation for dedicated service to the many South Alabama citizens affected by Hurricane Frederic.

BE IT FURTHER RESOLVED, That Ms. Scruggs receive a copy of this resolution as but a token of the Alabama Legislature's profound admiration and esteem.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Rep. Cheatwood:

H. R. 22. REQUESTING THE SPEAKER TO APPOINT A COMMITTEE OF THE HOUSE TO INVESTIGATE THE USE OF PROSTITUTES, FREE VACATION TRIPS, FOOTBALL TICKETS AND OTHER PAYMENTS AND BENEFITS BY THE COAL INDUSTRY AND OTHER SPECIAL INTEREST GROUPS TO INFLUENCE LEGISLATION PENDING BEFORE THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, numerous individuals, including present and former members of the Alabama Legislature have been indicted by a federal grand jury in Birmingham upon charges that the coal industry and other special interest groups have used illegal means to influence legislation pending before the Alabama Legislature; and

WHEREAS, the illegal activities alleged involve the frequent use of prostitutes to influence the votes of legislators; and

WHEREAS, the illegal activities alleged involve the frequent use of vacation trips, football tickets and other benefits to influence the voters of legislators; and

WHEREAS, the above mentioned indictments contained frequent references and allegations that "other named individuals" in addition to the ones specifically indicted were involved in using the inducements described above to influence the votes of Alabama legislators; and

WHEREAS, unless and until the above mentioned charges are cleared up, there is a cloud of suspicion over the head of the entire membership of the Alabama Legislature; and

WHEREAS, it is essential that a committee of the legislature itself move forward to clear the air of these charges and establish the integrity of those members of the legislature who played absolutely no part in the activities alleged rather than leave this matter to the slow and uncertain process of the federal courts; and

WHEREAS, if any of the above described charges are found to be true with respect to any member of this body, the House should take immediate disciplinary action and other steps to ensure that these practices are eliminated.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, that we hereby request the Speaker to appoint a committee to fully and thoroughly investigate all charges of illegal actions by the coal industry and other special interest groups to influence the members of the Alabama House of Representatives. We further request that the committee report back to the House of Representatives its findings and make recommendations as to any appropriate disciplinary or remedial actions.

MOTION TO SUSPEND RULES

Rep. Cheatwood offered the motion to suspend the rules and adopt the resolution, H. R. 22.

DIVISION OF THE QUESTION

Rep. Manley called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Cheatwood to suspend the rules in order to take up for immediate consideration the resolution, H. R. 22, and the motion was lost.

Yeas 16; Nays 28.

Yeas:

Reps.: Albright, Blake, Boles, Cheatwood, Cobb, Hall, Holmes, Horn, Howard, Jackson, Langford, McKee, Nevett, Riddick, Turnham and Wyatt.

—16

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Cabaniss, Cates, Clark, Cooley, Cosby, Dixon, Gilmer, Grouby, Hammett, Harper (T), Hines, Holley, Letson, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Pegues, Penry and Sasser.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 22, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 10, said Senate amendment being as follows:

Amend H. J. R. 10 on line 21 by striking the fillary ";Art No. 79-331, S. 537".

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Yeas 46; Nays 8.

Yeas:

Reps.: Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carter, Clark, Cobb, Cooley, Dial, Drinkard, Gilmer, Crouby, Harper (O), Harrison, Harvey, Horn, Howard, Jackson, Kennedy (Y), Laird, Letson, Lewis, McKee, Manley, Mitchell, Nevett, Olive, Owens, Parker, Penry, Rains, Riddick, Sasser, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Wyatt and Zoghby.

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Nays:

Reps.: Carothers, Cates, Grimsley, Hall, Hammett, Holley, Roberts and Whatley.

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And the resolution, H. J. R. 10, as thus amended, was adopted.

Yeas 49; Nays 4.

Yeas:

Reps.: Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Dixon, Drinkard, Gilmer, Grouby, Harper (O), Harvey, Horn, Howard, Kelley, Kennedy (Y), Laird, Letson, Lewis, McKee, Manley, Mitchell, Moore, Nevett, Parker, Patton, Penry, Rains, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Turner, Waggoner, Whatley, Wyatt and Zoghby.

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Nays: Reps.: Albright, Grimsley, Hall and Holley.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted and House amendment to the following Senate Joint Resolution:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Gafford:

H. J. R. 23. EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND WISHING HER AN EARLY AND COMPLETE RECOVERY.

WHEREAS, regrettably, we have learned that Miss Lynn Pippin, the daughter of Mrs. Louise Pippin and the late Earl C. Pippin, is hospitalized in Saint Margaret's Hospital in Montgomery, recuperating from surgery necessitated by serious injuries suffered in an automobile accident on February 2, 1980; Miss Pippin, who is a resident of Montgomery, was enroute to her home from Troy when the accident occurred; and

WHEREAS, though her condition is yet serious, we are prayerfully confident of a complete recovery, anticipating that Lynn will soon be home with her family and enjoying the company of her many friends and wellwishers; and

WHEREAS, the members of this body remember Lynn's father with affection and esteem; Earl Pippin was a longtime and loyal friend, as is his wife, Louise, with whom we now share deep concern in a time of adversity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we were indeed distressed to learn of the unfortunate accident experienced by Miss Lynn Pippin and most earnestly beseech for her an early and complete recovery from her injuries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lynn that she may know of our sincere good wishes for her and for all her family.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 23, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department of the date and hour named, and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:15 A.M. of February 7, 1980.

H. J. R. 4.

H. J. R. 6.

H. J. R. 9.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 14, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 12, 1980.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 12, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Jim Pate, Riverside Baptist Church, Riverside, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Naramore, leave of absence was granted for Rep. Brakefield.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 12. CREATING A JOINT COMMITTEE OF THE TWO HOUSES TO INVESTIGATE THE ALLEGED FUNDING IMPROPRIETIES, INVESTMENT INADEQUACIES AND OTHER FISCAL DISCREPANCIES IN HIGHER EDUCATION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Proctor, Little, deGraffenried, Pearson, and Miller.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 15. COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

Also:

H. J. R. 13. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 20. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

Also:

H. J. R. 21. COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 24. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns today, Tuesday, February 12, 1980, we adjourn to meet again on Thursday, February 14, 1980, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 24, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 17. PROCLAIMING THAT PORCELAIN PAINTING BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Holley, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Amendment): To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the pre-payment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distributions systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or

public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 146. Relating to Randolph County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties; to give the county engineer authority to administer this act.

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of Sheriff, so as to provide further for the allowance for the employment of legal services by the Sheriff, and to make this act retroactively effective to June 28, 1978.

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 10. PROVIDING A COMMON DATE OF MARCH 11, 1980 FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Albright:

H. 393. To prohibit a strike or work stoppage by law enforcement officers, who have been certified by the Peace Officers and Training Commission of the State of Alabama, as a Peace Officer, and to provide for mediation in order to settle disputes between regularly employed, full time, law enforcement officers and the governmental agency employing them. Specifically authorizing negotiations between law enforcement officers and the governmental agency employing them, and requiring compliance with the agreements and findings of the mediators.

Local Government.

By Rep. Shavers (With Notice and Proof):

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 394, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 395. Relating to Jackson County; to provide further for an annual salary for the Chairman of the County Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 395, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore:

H. 396. To amend Section 1 and Section 2 of Act 79-540 (H. 580) so as to remove the requirement for an unappropriated ending balance.

Ways and Means.

By Rep. Naramore:

H. 397. To provide for a cost-of-living salary increase for all educational personnel.

Ways and Means.

By Rep. Naramore:

H. 398. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Ways and Means.

By Rep. Wyatt:

H. 399. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

State Administration.

By Rep. Barton:

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Judiciary.

By Rep. Barton:

H. 401. To amend Section 40-7-32 of the Code of Alabama 1975 relating to the fees of tax assessors of this state for making returns on escaped property, so as to increase said fees allowed by said section.

Judiciary.

By Rep. Barton:

H. 402. To amend Section 40-4-5, Code of Alabama 1975, relating to fees allowed the tax assessors of this state for making demand on taxpayers

for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization, so as to increase the fees provided in said section.

Judiciary.

By Rep. Barton:

H. 403. To amend Section 40-5-17 of the Code of Alabama 1975, relating to the collection of delinquent taxes from taxpayers who have left the county so as to increase the fee allowed to tax collectors in said section for executing writs against the personal property of such taxpayers.

Judiciary.

By Rep. Barton:

H. 404. To amend Section 40-5-14 of the Code of Alabama 1975, relating to the levy and sale of personal property for the collection of delinquent taxes so as to increase the fee allowed to the tax collectors for making such sale.

Judiciary.

By Rep. Barton:

H. 405. To amend Section 40-10-27, Code of Alabama 1975, relating to the fees provided for giving notice to delinquent property owners to show cause why a decree of sale should not be rendered and relating to the fees for issuing such decrees of sale and for serving such notice by certified or registered mail with return receipt demanded.

Judiciary.

By Rep. Barton:

H. 406. To amend Section 40-5-6, Code of Alabama 1975, relating to fees provided for making demand on delinquent taxpayers and for levy and sale of property so as to increase the amount of the fees provided for in said section.

Judiciary.

By Rep. Barton:

H. 407. To amend Section 40-7-19 of the Code of Alabama 1975, relating to demands against persons failing to make returns of taxable property, so as to increase the fee provided therein for tax assessors for making such demands.

Judiciary.

By Rep. Minus:

H. 408. To provide for mentally retarded citizens, who by the nature of their disability cannot live totally independent, the opportunity to live and work as nearly like other Alabamians as possible.

Health.

By Rep. Sandusky (With Notice and Proof):

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 409, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cates and Wyatt (With Notice and Proof):

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner and Lewis (With Notice and Proof):

H. 411. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, to provide for the zoning of the territory upon annexation into the City of Hoover, to provide for a limitation on increases of ad valorem taxes, to provide for an exemption from the imposition of "occupational taxes" on persons employed within the territory to be annexed, and to ratify an agreement between the City of Hoover and the owners of a part of the territory to be annexed concerning the development of such territory, and which agreement provides, among other things, for the financing, construction and operation of a sewage treatment facility to serve a portion of the territory to be annexed.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 411, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Willis:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger with minimum road frontage of 400 front feet, such size tracts shall not be subject to the requirement of taking a percolation test.

Health.

By Reps. Boles and Trammell (With Notice and Proof):

H. 413. Relating to any municipality having a population of not less than 300,000 according to the 1970 or any subsequent federal decennial census; providing further for reducing, re-establishing, or de-annexing the corporate limits and boundaries of such municipalities where the land is contiguous.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 413, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Boles and Trammell:

H. 414. To prohibit any public utility in this state from charging its customers for reparation expenses incurred by such utility because of a nuclear power plant disaster.

State Administration.

By Rep. Boles:

H. 415. To amend Sections 16-25-3 and 36-27-41, Code of Alabama 1975 to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow certain members of both systems to repay on or before October 1, 1981 any contributions previously withdrawn plus interest; and to provide membership credit under certain circumstances for up to four years military service.

Ways and Means.

By Rep. Boles:

H. 416. To change the name of Jefferson State Junior College, which is located in Jefferson County, to the name, "Jefferson State College"; and to repeal and supersede section 16-3-37, Code of Alabama 1975 only to the extent that it conflicts with the provisions of this act.

State Administration.

By Reps. Boles, Trammell, Bennett, Howard and Lewis:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

State Administration.

By Rep. McKee:

H. 418. To amend Section 18-1-18 of the Code of Alabama 1975, relating to the reduction of compensation awarded in eminent domain cases because of incidental benefits from the taking, so as to include municipalities, counties, and water and sewer boards or systems created by statute among those governmental entities which may be entitled to a certain setoff against damages in certain eminent domain cases.

Local Government.

By Rep. McKee:

H. 419. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Insurance.

By Rep. Clark:

H. 420. To amend Section 40-22-1 of the Code of Alabama 1975, which section relates to the recordation of deeds, bills of sale and instruments of other like character so as to exempt from the payment of deed taxes certain conveyances of real property made between one or more persons to themselves for the purpose of creating a right of survivorship.

Judiciary.

By Rep. Riddick:

H. 421. To amend Section 12-19-73, Code of Alabama 1975, which relates to the fees of service of process in circuit and district courts, so as to further provide for said fees.

Ways and Means.

By Rep. Riddick:

H. 422. To amend § 15-9-62, Code of Alabama 1975, which section relates to the payment of expenses involved in returning an accused to Alabama; to provide that such expenses may at the direction of the court be taxed as costs against the defendant upon conviction; it further provides that if the defendant is not convicted, or if the judge fails to tax such as costs upon a conviction, and the crime is punishable by confinement in the penitentiary or death, the expenses shall be paid out of the state treasury, on the certificate of the governor and warrant of the comptroller; and in all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed.

Judiciary.

By Rep. Riddick:

H. 423. To provide further for the institution of actions by the Department of Pensions and Security to determine paternity and to enforce support obligations; providing that such actions brought by the department shall be brought in the juvenile court or such other court having nonsupport jurisdiction or jurisdiction over the custody of children; and providing that child support collections in cases in which an assignment has been made to the Department of Pensions and Security shall be paid directly to the department without being first paid to the court.

Judiciary.

By Reps. Riddick and Bedsale:

H. 424. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Judiciary.

By Rep. Hammett:

H. 425. To provide that all employees of Alabama Educational Television shall be covered under the state merit system law.

Ways and Means.

By Rep. Hammett:

H. 426. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

State Administration.

By Rep. Owens:

H. 427. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Sec. 36-26-8(b) (14), Code of Alabama, 1975.

Ways and Means.

By Rep. Owens:

H. 428. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Ways and Means.

By Rep. Owens:

H. 429. To make a supplemental appropriation to the Office of the State Treasurer for the fiscal year ending September 30, 1980.

Ways and Means.

By Rep. Owens:

H. 430. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic

beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the same manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the municipalities in which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Ways and Means.

By Rep. Owens:

H. 431. To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Ways and Means.

By Rep. Owens:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Ways and Means.

By Rep. Owens:

H. 433. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Ways and Means.

By Rep. Owens:

H. 434. To create the Office of Air Transportation (hereinafter referred to as the Office); to centralize the maintenance, management, storage, usage, fueling, and operations of state owned aircraft; to designate the Act as the "Office of Air Transportation Act of 1980"; to provide a statement of legislative intent; to provide definitions; to provide for a director of the Office, and compensation of the director; to provide for other personnel for the Office; to provide for the transfer of property and funds from various state agencies which presently maintain and operate state aircraft and to provide for certain exceptions from the provisions of this Act; to authorize the Office to establish a state program of state aircraft operations and to set reasonable charges for the use and maintenance of state aircraft by other state agencies and departments; to provide for duties, powers and functions of the Office; to create a revolving fund in the state treasury for the operations of the Office

and to authorize the director to make deposits and expenditures from time to time as are necessary for the Office's operations; and to require annual reporting by the director of the Office's operations to the Governor and to the Legislature.

Ways and Means.

By Rep. Owens:

H. 435. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Ways and Means.

By Rep. Cobb (With Notice and Proof):

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 436, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Edwards:

H. 437. To amend Section 40-21-83, Code of Alabama, 1975, as amended, to exclude from the gross receipts or gross sales of a utility upon which the utility gross receipts tax is levied by the provisions of Article 3, Chapter 21, Title 40, Code of Alabama, 1975, as amended, the use or consumption of natural gas or electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality for operating water treatment facilities, plants and pumping stations or wastewater treatment facilities, plants and lift stations.

Ways and Means.

By Rep. Patton:

H. 438. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Judiciary.

By Rep. Patton:

H. 439. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

Judiciary.

By Rep. Sasser:

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacturer, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Ways and Means.

By Rep. Buskey:

H. 441. To exempt the U. J. Robinson Memorial Center, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Buskey:

H. 442. To provide that non-certificated employees of local boards of education, Alabama Institute for Deaf and Blind, Department of Youth Services and state post-secondary institutions shall receive compensation for accumulated sick leave upon retirement for up to 90 days.

Ways and Means.

By Rep. Buskey:

H. 443. To amend Sections 16-25-3 and 36-27-41, Code of Alabama 1975 to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow members of both systems to repay on or before October 1, 1981 any contributions previously withdrawn plus interest; and to provide membership credit under certain circumstances for up to four years military service.

Ways and Means.

By Rep. Reed:

H. 444. To propose a constitutional amendment to the Constitution of Alabama of 1901 so as to further provide for the place of meetings of the Alabama Legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Cates:

H. 445. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

State Administration.

By Reps. Waggoner and Naramore:

H. 446. To repeal Sections 40-23-4, 40-23-5 and 40-23-62, Code of Alabama 1975, as amended, which provide for exemptions from sales and use taxes.

Ways and Means.

By Reps. Grouby and Edwards (With Notice and Proof):

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 447, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 448. To amend Sections 41-9-161, 41-9-166, 41-9-170, and 41-9-174 Code of Alabama 1975, regarding the state building code, so as to further define certain terms, provide for an energy conservation code, to authorize political subdivisions to adopt the code, and to require compliance with the code.

Education.

By Rep. Turnham:

H. 449. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, which relate to annual hunting and fishing licenses, so as to exempt persons over the age of 65 years from having to pay money to procure said licenses.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 450. To provide for the licensing and performance bonding of any person, firm, corporation or partnership who contracts and installs septic tanks, grease traps and subsurface sewage disposal fields on a commercial

basis in Washington County to require that such sewage disposal systems be installed properly within allowable limits of slope with a level-sighting instrument; to provide that the number of the level-sighting instrument owned or leased by such contractor or installer shall be recorded on the face of the annual license; to provide that said contractor or installer must be proficient in the use of said instrument; to require that each septic tank, grease trap and subsurface sewage disposal system pass the inspection of the county health officer or his duly authorized representative before the electrical utility company or cooperative serving such connected structure may transfer the electrical power from the temporary electrical service construction pole to the permanent electrical service equipment panel and meter; to provide for proper water percolation testing of the soil in order to calculate the adequate length and proper design of field lines; and to provide that in addition to other remedies provided by law, the county health officer of Washington County may bring an action to obtain an injunction against anyone commercially installing septic tanks, grease traps, and subsurface sewage disposal fields, restraining them from engaging in such activities either without a license or in an improper manner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 450, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 451. Relating to Washington County; to authorize and legalize the sale of fireworks in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 451, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 452. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Washington County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 452, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Biddle and Moore:

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

Local Government.

By Reps. Biddle and Moore:

H. 454. To amend Sections 41-9-622, 41-9-623, 41-9-625, 41-9-639, 41-9-641 and 41-9-648 of the Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission; so as to authorize the Commission to collect, preserve and disseminate information pertaining to any public offense for which a person is arrested in Alabama; to maintain and disseminate all arrests and dispositions reported to the Commission; to collect and maintain, to the maximum extent feasible, complete and accurate disposition information for each recorded incident of arrest; to disseminate criminal history record information to criminal justice agencies outside of the State of Alabama; and, to provide for the reporting of misdemeanor dispositions by the administrative office of courts when that information is available through court reporting systems.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. McCorquodale:

H. J. R. 25. CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

WHEREAS, the Jackson Academy varsity football team enjoyed an outstanding 1979 season with a 10-2 record, overall, following a near miss in the finals for the State 3A APSA Football Championship; and

WHEREAS, Head Coach Wayne Blackwell and his assistants, Coaches Sam Miller, Robert Gartman and Charles Parker, are to be congratulated for directing the Eagles to the best season in Jackson Academy history, with credit also due each and every member of the team for his integral part in helping to achieve this fine season record and the runner-up position in championship play; and

WHEREAS, the spirit of good sportsmanship and fair play displayed by the Eagles all season long, as well as their dedicated effort and enthusiasm, was a reflection of the loyal support and encouragement of their fellow students, faculty, parents and other fine citizens of their community; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Jackson Academy Eagles on both their outstanding 1979 season and on their participation in the Finals for the State 3A Crown.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Headmaster Rance Carr for appropriate school display, with a copy also provided Coach Blackwell, on behalf of his fine assistants and all members of the team, that they may know of our congratulations, high praise and esteem.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

By Rep. McCorquodale:

H. J. R. 26. CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

WHEREAS, the Alabama Legislature is pleased to note that Jackson High School captured the State 3A Football Championship, sharing the honor with Colbert County High, as a result of a 0-0 tie in the finals on December 7, 1979; and

WHEREAS, the Aggies' overall record for the season was an outstanding 12-1-1, the result of many long hours of diligent practice, enthusiasm for the sport and dedication to team effort and cooperation; and

WHEREAS, such an enviable record is due in large part to the expert coaching abilities and all-out efforts of Head Coach Barry Pennington and Assistant Coaches Russell Dean, Matthew Jones, Mike Garrett, Richard Sanders and Billy Guy, all of whom contributed greatly to the development of this fine Clarke County team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Jackson High School Aggies as Co-Champions of State 3A Football, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution, presented in congratulatory praise, shall be sent to Coach Pennington on behalf of his assistants and the entire team, with a copy also sent to Principal Frank Barbaree for appropriate school display.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 27. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF MONTGOMERY, ALABAMA.

WHEREAS, with parking always a problem in the vicinity of the State Capitol Complex, the situation becomes even more critical during Legislative Sessions due to the required presence of innumerable additional workers as support personnel; and

WHEREAS, with the Capitol now undergoing renovation involving not only necessary, but crucial structural repairs, it became compulsory to temporarily eliminate many of the parking spaces that heretofore have been allotted for Legislative use; and

WHEREAS, Mayor Emory Folmar and the Montgomery City Council in a spirit of generous cooperation have allotted a number of on-street parking spaces to be used by members of the Legislature when in session and for the interim required for Capitol renovation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation to Mayor Emory Folmar, and to all members of the Montgomery City Council, for their generous gesture in allocating parking space on Union Street for the use of the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Folmar, and a copy to Chairman Willie Peak on behalf of the Council, in token of appreciation for their kindness.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Reps. Harvey, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 28. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

WHEREAS, the Legislature of Alabama, having noted the death of Michael Eugene Dixon on August 31, 1979, expresses shared sorrow with the Community of Cleveland, the students, faculty and staff of Cleveland High School and, most especially, with Mr. Dixon's family who are so sorely grieved by their great loss; and

WHEREAS, Coach Michael Dixon's life was tragically ended when he was struck by lightning during a football practice session with his players on the field; a Cleveland native and a graduate of Cleveland High School and Jacksonville State University, Mike Dixon was in his fifth year as Physical Education instructor at his high school Alma Mater; and

WHEREAS, through his membership in the Cleveland Baptist Church and the Cleveland Booster Club, and through participation in the numerous civic and charitable affairs of his community, Mike Dixon could count among his close friends and associates all of his fellow citizens in his beloved hometown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Michael Eugene Dixon of Cleveland, Alabama, and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Lynn Baba Dixon, to his son Daniel Mark, to his parents, Mr. and Mrs. Alvin Lee Dixon, and to other family members that they may know we deeply share the sorrow of their loss.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

By Reps. Warren and McMillan:

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

WHEREAS, due to world economic and political situations affecting the availability of other natural resources, the timber resources of the United States and Alabama are becoming more and more critical to the vital economic needs of Americans. The extent of the need for wood fiber and fuel wood in the past six years could not have been predicted at the time of the last Forest Survey in Alabama. These changes in economic needs may even have made survey methods at that time obsolete; more information is now needed about wood biomass than is available in outdated publications; and

WHEREAS, the USDA Forest Service estimated that timber removals increased 115 million cubic feet from 1971 to 1974, which is an average annual increase of five percent. This rapidly changing situation in timber cut necessitates complete and current information about Alabama's timber resources in order to adequately match timber growth efforts to demands for timber products at prices that are within acceptable inflationary levels; and

WHEREAS, current information on timber inventories, growth rates and removals are necessary for orderly and planned forest industrial development. The pulp and paper industry is the fastest growing industry in Alabama, with an average compound rate of growth of 12.1 percent (the second fastest growing industry is fabricated metals with a 9.9 percent growth rate). The wood products industries (pulp and paper and lumber and wood products) accounted for 23 percent of all capital expenditures for manufacturing industries in Alabama in 1976 (the latest year for which complete information is available). It is imperative to have current information on timber resources in order to adequately guide industrial expansion as well as timber growth programs, both public and private; and

WHEREAS, timber is only one resource among many others associated with forest land. Other uses of forest land are expanding rapidly, along with timber, which results in additional pressures being placed on the forests of Alabama. Current and complete information is needed for these other resources which include wildlife habitat, watershed values, forage for domestic livestock and esthetic values. The Forest Survey can collect much needed information on these other vital resources, which also have an impact on the timber resource; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the time interval between Forest Surveys of 10 years needs to be reduced to intervals of not more than five years to improve the usefulness of all data. This effort can be made possible in Alabama under Forest Service leadership by the support of the forest industries and the Alabama Forestry Commission.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to both houses of the United States Congress that they may be aware of this body's support of more frequent forest surveys in the states for the purpose of keeping more current with all available data provided by such surveys.

The resolution, H. J. R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Grouby:

H. J. R. 30. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

WHEREAS, IN ORDER TO REDEDICATE Alabamians with purposeful understanding to the needs and purposes of our country's national defense and to again appreciate the principle that only with strength, courage, understanding and conviction can our country progress in a difficult world; and

WHEREAS, upon these principles rests a strong national defense for the benefit of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor of Alabama is hereby requested to designate and dedicate February 12 to 22 of each year as "National Defense Week."

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday, but a week for discussion, reflection, education, and exchange of ideas and views for the development of a better understanding and basis for action concerning the needs and purposes of our country's defense, and of our way of life.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Governor Fob James and to Major William Guy Stevens, USAFR, Alabama Department National Defense Week Chairman, Reserve Officers Association, 105 Capri Court, Prattville, Alabama 36067.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Cosby, Pegues and Edwards:

H. R. 31. COMMENDING THE SELMA BEAUTIFICATION COUNCIL FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Rep. Smith (J):

H. R. 32. COMMENDING MAYOR BURWELL WILBANKS OF MADISON, ALABAMA, PRESIDENT OF THE NORTH ALABAMA MAYOR'S ASSOCIATION.

BILLS ON THIRD READING

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Cates, Cheatwood, Clark, Coburn, Cooley, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Patton, Payne, Penry, Ray, Shoemaker, Smith (C), Starkey, Venable, Ward, Warren, Whatley and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Cates, Cheatwood, Cooley, Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Penry, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Was read a third time at length and lost, lacking a three-fifths vote.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Trammell, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Sasser, Smith (J), Trammell, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Sasser, Smith (C), Smith (J), Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Parker, Pegues, Penry, Ray, Reed, Sasser, Smith (C), Smith (J), Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nay: Rep. Manley.

—1

And the bill:

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Parker, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

H. 120 RECONSIDERED

Having voted on the prevailing side, Rep. Blake offered the motion to reconsider the vote by which the bill, H. 120, failed to pass, and the motion to reconsider was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—73

And the bill, H. 120, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill:

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Sessoin 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (J), Starkey, Stout, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

Nay: Rep. Manley.

—1

And the bill:

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

Nay: Rep. Manley.

—1

And the bill:

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nay: Rep. Manley.

—1

And the bill:

H. 131. Relating to Sumter County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in a manner similar to the procedure by which beer, malt or brewed beverages are now sold; and to levy a tax on such wine.

Was taken up.

H. 131 POSTPONED

On motion of Rep. Minus, the bill, H. 131, was postponed to the fifth legislative day.

And the bill:

H. 137. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to

furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

Nay: Rep. Manley.

—1

And the bill:

H. 257. (With Amendment): Relating to Washington County; providing for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in private education; providing for the methods and procedures to calculate the members contributions required to purchase such credit and conditions for eligibility; and providing that the members shall pay the total cost for such credit.

Was taken up.

H. 257 POSTPONED

On motion of Rep. Turner, the bill, H. 257 with pending amendment, was postponed to the fourth legislative day.

And the bill:

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Hall,

Hammett, Harper (O), Harper (T), Hines, Holmes, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (J), Starkey, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—58

Nays: Reps.: Gilmer and Zoghby.

—2

And the bill:

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—64

And the bill:

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Cates, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Mitchell,

Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

H. 285 AND H. 286 POSTPONED

On motion of Rep. Starkey, the bills, H. 285 and H. 286, were postponed to the fourth legislative day.

Yeas 55; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Greer, Hammett, Harrison, Harvey, Hines, Holmes, Horn, Jackson, Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—55

Nays:

Reps.: Albright, Boles, Carothers, Cates, Daniels, Hall, Harper (O), Hilliard, Holley, Howard, Johnson (R. G.), Mitchell, Moore, Payne, Smith (C), Tucker and Wyatt.

—17

And the bill:

H. 287. (With Amendment): To further amend Section 40-23-4, Code of Alabama 1975 as amended, to remove the exemption for the gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution of sales tax collected on retail sales of lubricating oil and gasoline.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 287, Page 8, Line 12 after the word "gas" and before the word "sold" by inserting the following:

, gasoline, motor fuel and lubricating oils

And the amendment was adopted.

Yeas 74; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford,

Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—74

Nays:

Reps.: Campbell, Harrison, Horn, Jackson, Johnson (R. G.), Naramore and Olive.

—7

AMENDMENT OFFERED

Rep. Adams (C) offered the following amendment No. 1 to the bill, H. 287 as amended:

Amend House Bill No. 287, by renumbering Sections 3, 4 and 5 so that they become 5, 6 and 7 respectively and inserting the following after Section 2 on page 11:

"Section 3. It is the intent of the legislature that the proceeds of the tax collected on retail sales of motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(a) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(b) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues; and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(c) Where the use is by a municipality, such use shall be for resurfacing, restoration, and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be used for the purchase of equipment. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

"Section 4. Within the meaning of this Act the following words and phrases shall have the following meanings:

(a) RESURFACING, RESTORATION AND REHABILITATION (RRR). Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of

adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored, or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(b) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches."

AMENDMENT ADOPTED

And the amendment was adopted

Yeas 68; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—68

Nays:

Reps.: Bedsole, Cheatwood, Coburn, Cooley, Harvey, Holmes, Rains and Wyatt.

—8

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. Creating a joint committee of the two Houses to Investigate the Alleged Funding Improprieties, Investment Inadequacies and Other Fiscal Discrepancies in Higher Education.

Also:

H. J. R. 13. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

Also:

H. J. R. 15. COMMENDING DR. OTIS FRANKLIN GAY ON HIS OUTSTANDING CAREER IN THE FIELD OF PUBLIC HEALTH AND RELATED AREAS.

Also:

H. J. R. 17. PROCLAIMING THAT PORCELAIN PAINTING BE DEFINED AS A "FINE ART" IN THE STATE OF ALABAMA.

Also:

H. J. R. 20. EXPRESSING APPRECIATION OF THE LEGISLATURE TO MS. MILLIE MACCIA OF GULF SHORES, ALABAMA.

Also:

H. J. R. 21. COMMENDING MS. HAZEL SCRUGGS OF GULF SHORES, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS IN THE AFTERMATH OF HURRICANE FREDERIC.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 287 RESUMED AMENDMENT OFFERED

Rep. Adams (C) offered the following amendment No. 2 to the bill, H. 287 as amended:

Amend House Bill No. 287, page 1 by striking in its entirety, the words beginning with the word "of" on line 13 and ending with the word "gasoline." on line 14 and inserting in lieu thereof the following:

"and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975."

In Section 2, page 10 on line 37 strike in its entirety, the words beginning with the word "The" and ending with the word "amended" on page 11, line 6, and insert in lieu thereof the following:

"The amount of the proceeds of the tax collected on retail sales of motor fuel as defined in Section 40-17-1, Code of Alabama, 1975 when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on retail sales of gasoline and lubricating oil as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975 shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama, 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this chapter; provided further, that the legislature may be general or local laws prescribe other distribution within counties to local governments."

In Section 2, page 11 on line 9, strike in its entirety, the words beginning with the word "and" and ending with the word "gasoline" on line 10, and insert in lieu thereof the following:

"and the distribution of the tax collected on motor fuel, gasoline and lubricating oil"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Cates, Clark, Cosby, Crow, Drinkard, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Patton, Payne, Pegues, Penry, Reed, Riddick, Sasser, Shoemaker, Starkey, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Boles, Bowling, Carter, Cobb, Cooley, Daniels, Dial, Ford, Gilmer, Harvey, Hilliard, Horn, Moore, Naramore, Shavers and Tucker.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 3. INVITING COACH PAUL W. BRYANT TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE, NATIONAL FOOTBALL CHAMPIONS, 1979.

Also:

S. J. R. 5. HONORING COLONEL JOHN T. SULLIVAN UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

S. J. R. 6. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1980 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 7. CONGRATULATING AND COMMENDING THE GOSHEN HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 8. COMMENDING THE UNIVERSITY OF MONTEVALLO
PHYSICAL EDUCATION CLUB FOR THEIR EFFORTS IN BEHALF OF
SPECIAL OLYMPICS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 287 RESUMED AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 287 as amended:

Amend House Bill No. 287 on page 1, after the word "amended," on line 9 by inserting the following:

"to provide for the exemption of the gross proceeds from certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol,"

On page 8, after the word "purposes" on line 12, by inserting the following:

"(34) The gross proceeds from the sale of ethyl alcohol sold to be used in internal combustion engines.

"(35) That portion of the gross proceeds from the sale of gasohol sold to be used in internal combustion engines, which is attributable to the portion of its volume made up of ethyl alcohol."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Blake, Boles, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Coburn, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Olive, Owens, Pegues, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

Nays:

Reps.: Barton, Cooley, Cosby, Ford, Lewis, Naramore, Patton and Tucker.

—8

AMENDMENT OFFERED

Reps. Willis, Reed and Zoghby offered the following amendment to the bill, H. 287 as amended:

In the title, page 1, line 10, between the words "exemption" and "for" insert the following:

, except for persons 65 years of age or older,

In section 1, page 1, delete lines 23 and 24 and insert in lieu thereof the following:

(1) The gross proceeds of the sales of lubricating oil and gasoline in Sections 40-17-30 and 40-17-170, which are otherwise taxed. Persons 65 years of age or older with a taxable income of less than \$10,000 dollars shall be exempt from the tax on the gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170, which are otherwise taxed, and may file for such exemption on their state income tax returns. The Alabama Department of Revenue shall have the power and authority for prescribing rules and procedure to regulate the same.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Clark, Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Grouby, Hall, Hammett, Harper (T), Harrison, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Olive, Owens, Penry, Reed, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Starkey, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

Nays:

Reps.: Barton, Carothers, Cooley, Gilmer, Harvey, Holley, Lewis, Patton, Payne, Pegues and Tucker.

—11

SUBSTITUTE OFFERED

Rep. Cates offered the following substitute to the bill, H. 287 as amended:

A BILL
TO BE ENTITLED
AN ACT

To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 4-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the sales of lubricating oil, gasoline, and other liquid motor fuels as levied in Sections 40-17-2, 40-17-31 and 40-17-170, Code of Alabama 1975, as amended, which

are otherwise taxed, and to provide for further exemptions for such products used for agricultural purposes; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; and to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution of sales tax collected on retail sales of lubricating oil, gasoline and other liquid motor fuels.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-3, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-3. Exclusion of certain municipal privilege license taxes and certain state and federal excise taxes.

"Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of the sales tax levied by this state, under the provisions of this division.

"State excise taxes imposed in Sections 40-17-2, 40-17-31 and 40-17-141 of the Code of Alabama 1975, as amended from time to time and federal excise taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the sales tax levied by this state under the provisions of this division.

Section 2. Section 40-23-4, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-4. Exemptions.

"There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, which are otherwise taxed.

"(2) (1) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) (2) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) (3) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) (4) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of

preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) (5) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) (6) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sales thereof are otherwise specifically exempted by the provisions of this division.

"(6) (5) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) (6) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) (7) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) (8) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

"(10) (9) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

"(11) (10) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama.

"(12) (11) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

"(13) (12) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

"(14) (13) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) (14) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

"(16) (15) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) (16) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

"(18) (17) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in Section 1-1-3; provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama.

"Any persons claiming exemption hereunder shall file with the Commissioner of Revenue an application therefor in the form prescribed by the Commissioner of Revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

"Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

"(19) (18) When dealers or distributors used parts taken from stocks owned by them in making repairs without charge for such parts to the owner

of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(20) (19) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(21) (20) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(22) (21) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(23) (22) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(24) (23) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

"(25) (24) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

"The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(26) (25) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term "herbicides," as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and dessicant herbicides.

"(27) (26) The Alabama Chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(28) (27) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words "commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(29) (28) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as "chicken litter" by poultry producers and poultry processors.

"(30) (29) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

"(31) (30) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

"a. The name and claim number as shown on a "Medicare" card issued by the United States Social Security Administration.

"b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) (31) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) (32) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof; twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) (33) The gross proceeds from the sale of liquefied petroleum gas, gasoline, motor fuel and lubricating oils sold to be used for agricultural purposes."

Section 2. Section 40-23-35, Code of Alabama 1975 as amended, is further amended as follows:

"§ 40-23-35. Disposition of revenues from tax.

"Such amount of money as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of said Department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad volorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several

funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the Bureau of the Census; and one half of said proceeds shall be divided or distributed equally among the 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00 then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Pensions and Security for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Pensions and Security trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required, At the end of each fiscal year, an accounting

shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund. The amount of the proceeds of the tax collected on retail sales of lubricating oil and gasoline shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama 1975 as amended. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties and the distribution of the tax collected on lubricating oil and gasoline as herein provided shall be paid into the Alabama special educational trust fund. In this division, 'general welfare purposes' means:

"(1) The administration of the public assistance as set out in Sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the substitute offered by Rep. Cates to the bill, H. 287 as amended, was lost.

Yeas 32; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Cabaniss, Campbell, Carothers, Clark, Cooley, Dial, Harvey, Hines, Holley, Kelley, McMillan, Manley, Minus, Owens, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Shoemaker, Stewart, Stout, Ward, Whatley, Williams, Willis and Zoghby.

—32

Nays:

Reps.: Bedsole, Blake, Buskey, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), (Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, Naramore, Patton, Payne, Rains, Ray, Smith (C), Starkey, Tucker, Turner, Turnham, Venable, Warren and Wyatt.

—43

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Cates to the bill, H. 287 as amended, and the substitute was adopted.

Yeas 57; Nays 16.

Yeas:

Reps.: Albright, Barton, Bedsole, Bennett, Blake, Boles, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), (Harper (T), Harrison, Hines, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Owens, Patton, Payne, Penry, Rains, Ray, Roberts, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—57

Nays:

Reps.: Adams (C), Campbell, Carothers, Carter, Cooley, Dial, Hilliard, Holley, Manley, Naramore, Pegues, Sasser, Shoemaker, Tucker, Ward and Whatley.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 23. EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND WISHING HER AN EARLY AND COMPLETE RECOVERY.

Also:

H. J. R. 25. CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 26. CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

Also:

H. J. R. 27. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 28. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

Also:

H. J. R. 30. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Weeks (With Notice and Proof):

S. 132. To provide for and create the Macon County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 132 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 132. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Kirkland:

S. J. R. 15. URGING SUPPORT AND PASSAGE OF H. R. 5225 AND S. 1862 NOW PENDING IN CONGRESS.

Also:

By Mr. Kirkland:

S. J. R. 14. URGING OPPOSITION AND DEFEAT OF S. 1936 AND H. R. 5823 NOW PENDING IN CONGRESS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 15 and S. J. R. 14, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Gulledge:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

Also:

By Mr. Gulledge:

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 16 and S. J. R. 17, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

WHEREAS, in 1970 the State of Alabama joined with the federal government in an effort to meet the medical and health needs of the categorically needy citizens of Alabama by implementing and funding a Medical Assistance Plan, (Medicaid); and

WHEREAS, the costs of maintaining that program have increased dramatically during the past ten years; and

WHEREAS, unnecessary, illogical and costly federal regulations continue to add substantially to the costs of the medicaid program and impair the State of Alabama's ability to effectively manage the program; and

WHEREAS, it has become obvious to the citizens of Alabama that this program cannot be continued in its present form and at its current level of activity; and

WHEREAS, the State of Alabama has determined that the costs of such unnecessary federal requirements could presently be exceeding \$40 million, and the State of Alabama has provided the Department of Health, Education and Welfare with Specific references and the estimated costs of each; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Executive and Legislative branches of government in the State of Alabama protest the growing burden and excessive costs of federal regulations on this State's medicaid program.

BE IT FURTHER RESOLVED, that the State of Alabama calls upon the United States Congress and the Department of Health, Education and Welfare to immediately review and revise both federal statutes and attendant federal regulations so as to permit, at a minimum, states administering such programs to:

- I. Implement reasonable co-payment requirements for all services;
- II. Purchase services on a negotiated basis by utilizing "prudent buyer" concepts;
- III. Establish reasonable state standards for staffing medical facilities;
- IV. Deny eligibility to recipients because of demonstrated abuse;
- V. Establish methods of reimbursing health care facilities;
- VI. Earn incentive payments for effective management;
- VII. Set stringent admission policies for hospital and nursing home admissions to be enforced by professional standards review organizations;
- VIII. Determine and prescribe administrative procedures and controls, subject only to reasonable and well accepted due process methods;
- IX. Charge agencies, including the Social Security Administration, certifying eligibility for the costs of services provided recipients later found to be ineligible;
- X. Match federal funding ratios at the levels available in 1970;
- XI. Impose reasonable financial assessments on the families of patients requiring nursing home care for indefinite periods of time.

BE IT FURTHER RESOLVED, We encourage the United States Congress and the Department of Health, Education and Welfare to take reasonable steps to restore management of the medicaid program to the states by implementing these and other appropriate measures.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 19, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Miller:

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

Also:

By Mr. Miller:

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 22 and S. J. R. 23, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Higginbotham:

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the public school systems of Alabama, both county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purposes of informing students on educational and career opportunities available in all military services.

WHEREAS, school systems now provide access to persons, or groups which make pupils aware of occupational or educational options; and

WHEREAS, the military services provide a wide range of employment and training options available through the nationwide High School Testing Program; and

WHEREAS, the test can serve as a diagnostic instrument in working with individual students; and

WHEREAS, the Armed Services Vocational Aptitude Battery (ASVAB) is free and carries no obligation; and

WHEREAS, it affords an opportunity to acquaint students with many vocational-technical job fields, both civilian and military, before they become committed to a particular academic pathway; and

WHEREAS, the ASVAB can be a valuable test instrument in advising and guiding those students who display the aptitude, interest, and motivation to seek training and employment in vocational-technical fields; and

WHEREAS, the information obtained from the ASVAB test results is a most vital element in the ability to meet mission requirements of putting quality men and women into the United States Armed Services; and

WHEREAS, because of the increasing complexities of modern weapons systems, the need for intelligent, well-educated young men and women has never been greater; and

WHEREAS, therefore, the military services should be afforded the opportunity to make pupils aware of occupational or educational options, especially in these times of national crises;

NOW, THEREFORE, BE IT RESOLVED That the public school systems of Alabama, both the county and city, are encouraged to provide reasonable access to official recruiting representatives of all military forces of the State of Alabama and the United States for the purpose of informing students on educational and career opportunities available in the military service to all high school Seniors; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Board of Education and the Superintendent of each county and city school system in the State.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 24, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

WHEREAS, the Legal Services Corporation of Alabama is a federally funded non-profit corporation which is forbidden by federal law to attempt to influence the passage or defeat of state legislation, except at the request of a particular legislator; and

WHEREAS, the Alabama Legislature has observed that the Legal Services Corporation of Alabama has been lobbying on a variety of business matters on a daily basis during the current session, without having been invited to do so; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request the Alabama Congressional Delegation to initiate an investigation of this lobbying by the Legal Services Corporation to ensure that this activity complies with the applicable federal law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 21, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Kirkland, Miller, and Little:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

Also:

By Messrs. Kirkland, Miller and Little:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 27 and S. J. R. 26, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

H. 287 RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Cates offered the motion to reconsider the vote by which the substitute offered by him to the bill, H. 287 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 60; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carter, Cates, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee,

McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Starkey, Stewart, Turner, Venable, Warren, Whatley, Williams, Willis and Zoghby.

—60

Nays:

Reps.: Cheatwood, Holmes, Jackson, Moore, Naramore, Nevett and Tucker.

—7

SUBSTITUTE INDEFINITELY POSTPONED

On motion of Rep. Cates, the substitute offered by him to the bill, H. 287 as amended, was indefinitely postponed.

Yeas 59; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Cabaniss, Carter, Cates, Clark, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—59

Nays:

Reps.: Cheatwood, Holmes, Jackson, Naramore, Smith (C) and Tucker.

—6

AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 287 as amended:

Amend House Bill 287 as follows: Add the following new Section 1 and renumber all subsequent sections.

Section 1. Section 40-23-3, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-3. Exclusion of certain municipal privilege license taxes and certain state and federal excise taxes.

"Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of the sales tax levied by this state, under the provisions of this division.

"State excise taxes imposed in Sections 40-17-2, 40-17-31 and 40-17-141 of the Code of Alabama 1975, as amended from time to time and federal excise

taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the sales tax levied by this state under the provisions of this division.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 2.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—70

Nays: Reps.: Naramore and Tucker.

—2

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 287 as amended:

On page 1, in the synopsis, on line 3, insert the following in lieu of the present synopsis:

This bill removes from the sales tax exemption section all exemptions and provides for the distribution of the tax.

On page 1, in the title, on line 9, insert the following in lieu of the present title:

To further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove all exemptions, and to further amend Section 40-23-35 to provide for the distribution of sales tax collected on retail sales of certain items.

Strike through all words between the beginning of line 22 on page 1 and the end of line 12 on page 8.

AMENDMENT LOST

And the amendment was lost.

Yeas 12; Nays 77.

Yeas:

Reps.: Albright, Amari, Bennett, Boles, Harrison, Horn, Jackson, Johnson (Roy), Naramore, Olive, Stewart and Waggoner.

—12

Nays:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—77

MOTION TO INDEFINITELY POSTPONE LOST

The Motion offered by Rep. Johnson (Roy), to indefinitely postpone the bill, H. 287 as amended, was lost.

Yeas 46; Nays 52.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Cobb, Coburn, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Lewis, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Rains, Riddick, Smith (C), Smith (J), Smith (M), Trammell, Turner and Wyatt.

—46

Nays:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark, Cosby, Daniels, Dial, Edwards, Gafford, Harper (T), Harrison, Hines, Holley, Howard, Kelley, Kennedy, Langford, Letson, McKee, McMillan, Manley, Minus, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—52

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Holmes to postpone further consideration of the bill, H. 287 as amended, to the fourth legislative day, was tabled.

Yeas 57; Nays 28.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Gregg, Grouby, Harper (T), Harrison, Harvey, Hines, Holley, Johnson (R. G.), Langford,

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Letson, McKee, McMillan, Manley, Minus, Owens, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—57

Nays:

Reps.: Albright, Blake, Boles, Bowling, Cheatwood, Cobb, Gilmer, Goodwin, Hall, Harper (O), Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Mitchell, Naramore, Nevett, Olive, Payne, Rains, Seibels, Smith (C), Smith (M), Trammell, Turner and Wyatt.

—28

And the bill:

H. 287. To further amend Section 40-23-4, Code of Alabama 1975 as amended, to provide for the exemption of the gross proceeds from certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, to remove the exemption, except for persons 65 years of age or older, for the gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975.

As thus amended, was read a third time at length and lost.

Yeas 46; Nays 52.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark, Cosby, Daniels, Dial, Edwards, Greer, Harper (T), Hines, Holley, Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stout, Tucker, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—46

Nays:

Reps.: Albright, Amari, Bennett, Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Rains, Riddick, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Warren and Wyatt.

—52

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on February 12, 1980.

H. J. R. 10.

Delivered to the Governor at 2:45 P.M. on February 12, 1980.

H. J. R. 12.

H. J. R. 13.

H. J. R. 15.

H. J. R. 17.

H. J. R. 20.

H. J. R. 21.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holmes and pursuant to the resolution, H. R. 24, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, February 14, 1980.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 14, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend David Crocker, Associate Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Narmore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—100

A quorum was present.

LEAVE OF ABSENCE GRANTED

At the request of Rep. Naramore leave of absence was granted for Rep. Brakefield.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

Yeas 72; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—72

Nays:

Reps.: Albright, Boles, Cheatwood, Lewis, Payne, Rains, Smith (M), Trammell, Turner and Wyatt.

—10

NOTICE IN WRITING

Rep. Cooley filed the following Notice in Writing:

Mr. Speaker:

Having voted on the prevailing side on the final vote on House Bill 287, as substituted and amended, I hereby move to reconsider the vote.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 33. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, LEGISLATURE OF ALABAMA, That when we adjourn today, Thursday, February 14, 1980, we adjourn to meet again on Wednesday, February 20, 1980 at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 33, was adopted.

Also:

By Rep. Manley:

H. J. R. 34. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn on Thursday, February 21, 1980, we adjourn to meet again on Tuesday, February 26, 1980; when we adjourn on Tuesday, February 26, we adjourn to meet again on Thursday, February 28, 1980; when we adjourn on Thursday, February 28, we adjourn to meet again on Tuesday, March 4, 1980; when we adjourn on Tuesday, March 4, we adjourn to meet again on Thursday, March 6, 1980; when we adjourn on Thursday, March 6, we adjourn to meet again on Tuesday, March 18, 1980; and when we adjourn on Tuesday, March 18, we adjourn to meet again on Thursday, March 20, 1980.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 34, was adopted.

MOTION TO RECONSIDER ADOPTED

Having previously filed a Notice in Writing and having voted on the prevailing side, Rep. Cooley offered the motion to reconsider the vote by which the bill, H. 287 as amended, was lost, and the motion to reconsider was adopted.

Yeas 53; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Cates, Clark, Cooley, Cosby, Daniels, Dial, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Jackson, Kelley, Langford, Letson, McMillan, Manley, Minus, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—53

Nays:

Reps.: Albright, Blake, Boles, Buskey, Carothers, Cheatwood, Cobb, Crow, Dixon, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Harper (O), Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, Mitchell, Moore, Olive, Rains, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Trammell, Turner, Turnham, Williams and Wyatt.

—36

MOTION TO POSTPONE

Rep. Manley offered the motion to postpone consideration of the bill, H. 287 as amended, to the ninth legislative day and make it first order of business for the day.

SUBSTITUTE MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the substitute motion offered by Rep. Albright to postpone consideration of the bill, H. 287 as amended, to the twentieth legislative day, as tabled.

Yeas 68; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—68

Nays:

Reps.: Albright, Blake, Cheatwood, Crow, Gilmer, Goodwin, Greer, Hall, Harper (O), Horn, Johnson (Roy), Patton, Payne, Rains, Smith (C), Smith (M), Trammell, Turner and Wyatt.

—19

H. 287 POSTPONED

The question was then on the motion offered by Rep. Manley to postpone consideration of the bill, H. 287 as amended, to the ninth legislative day and make it first order of business for the day, and the motion was adopted.

Yeas 74; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Moore, Olive, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—74

Nays:

Reps.: Blake, Cheatwood, Crow, Dial, Goodwin, Hall, Harper (O), Johnson (Roy), Kelley, McKee, McMillan, Patton and Wyatt.

—13

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 276. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recom-piled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 355. (With Amendments): To provide that any annually appropriated funds allocated to local boards of education and institutions of higher learning may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aids from a register without regard to the ranking of eligibles.

H. 420. To amend Section 40-22-1 of the Code of Alabama 1975, which section relates to the recordation of deeds, bills of sale and instruments of other like character so as to exempt from the payment of deed taxes certain conveyances of real property made between one or more persons to themselves for the purpose of creating a right of survivorship.

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

H. 155. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

H. 156. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

H. 157. A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 158. (With Substitute) (With Amendment): To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 439. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

H. 438. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 201. (With Amendment): To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

H. 202. (With Amendment): To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 248. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department

and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict herewith as well as all other laws that conflict with this act.

H. 401. To amend Section 40-7-32 of the Code of Alabama 1975 relating to the fees of tax assessors of this state for making returns on escaped property, so as to increase said fees allowed by said section.

H. 402. To amend Section 40-4-5, Code of Alabama 1975, relating to fees allowed the tax assessors of this state for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization, so as to increase the fees provided in said section.

H. 403. To amend Section 40-5-17 of the Code of Alabama 1975, relating to the collection of delinquent taxes from taxpayers who have left the county so as to increase the fee allowed to tax collectors in said section for executing writs against the personal property of such taxpayers.

H. 404. To amend Section 40-5-14 of the Code of Alabama 1975, relating to the levy and sale of personal property for the collection of delinquent taxes so as to increase the fee allowed to the tax collectors for making such sale.

H. 405. To amend Section 40-10-27, Code of Alabama 1975, relating to the fees provided for giving notice to delinquent property owners to show cause why a decree of sale should not be rendered and relating to the fees for issuing such decrees of sale and for serving such notice by certified or registered mail with return receipt demanded.

H. 406. To amend Section 40-5-6, Code of Alabama 1975, relating to fees provided for making demand on delinquent taxpayers and for levy and sale of property so as to increase the amount of the fees provided for in said section.

H. 407. To amend Section 40-7-19 of the Code of Alabama 1975, relating to demands against persons failing to make returns of taxable property so as to increase the fee provided therein for tax assessors for making such demands.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 278. (With Substitute): To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 303. Relating to the Alabama state law enforcement officers; to provide for the method, manner, length of time in grade; and requires the State Personnel Department to publish at least one (1) year before each test, a list of the books from which said promotional tests are derived.

H. 161. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 72. (With Substitute) (With Amendment): To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 399. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

H. 150. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 250. (With Amendment): To amend Section 36-32-7, Code of Alabama 1975, which relates to minimum standards for fire fighters, so as to provide further requirements relating to the training of fire fighters.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 210. To amend Section 11-40-10 of the Code of Alabama 1975, relating to the police jurisdiction of municipalities, so as to prohibit the enforcement of building codes and zoning ordinances in any county into which the corporate limits of the city or town do not extend; and to give this amendatory Act retroactive effect to January 1, 1979.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 408. To provide for mentally retarded citizens, who by the nature of their disability cannot live totally independent, the opportunity to live and work as nearly like other Alabamians as possible.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 178. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

H. 180. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

H. 181. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 200. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

H. 259. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

H. 345. To allow school devotionals.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 233. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had adopted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 195. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

The above bill was read a second time at length as required by the Constitution.

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 253. To amend Section 32-9-20, Code of Alabama 1975, as amended, which provides a schedule of size and weight restrictions for vehicles driven on the highways of this state, so as to correct the omission of the word "axle" in subsection j and to correct the formula used to determine the weight.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 26. (With Amendment): To amend Section 32-5-75, Code of Alabama 1975, as amended, to require any person operating a motor vehicle on any public highway to secure specified loads with two (2) or more chains or cables to prevent loads from shifting or dropping onto the highway.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

H. 450. To provide for the licensing and performance bonding of any person, firm, corporation or partnership who contracts and installs septic tanks, grease traps and subsurface sewage disposal fields on a commercial basis in Washington County to require that such sewage disposal systems be installed properly within allowable limits of slope with a level-sighting instrument; to provide that the number of the level-sighting instrument owned or leased by such contractor or installer shall be recorded on the face of the annual license; to provide that said contractor or installer must be proficient in the use of said instrument; to require that each septic tank, grease trap and subsurface sewage disposal system pass the inspection of the county health officer or his duly authorized representative before the electrical utility company or cooperative serving such connected structure may transfer the electrical power from the temporary electrical service construction pole to the permanent electrical service equipment panel and meter; to provide for proper water percolation testing of the soil in order to calculate the adequate length and proper design of field lines; and to provide that in addition to other remedies provided by law, the county health officer of Washington County may bring an action to obtain an injunction against anyone commercially installing septic tanks, grease traps, and subsurface sewage disposal fields, restraining them from engaging in such activities either without a license or in an improper manner.

H. 451. Relating to Washington County; to authorize and legalize the sale of fireworks in said county.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 117. (With Substitute): Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 23. EXPRESSING CONCERN FOR MISS LYNN PIPPIN AND WISHING HER AN EARLY AND COMPLETE RECOVERY.

Also:

H. J. R. 25. CONGRATULATING JACKSON ACADEMY AS FINALISTS IN THE BATTLE FOR THE STATE 3A APSA FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 26. CONGRATULATING JACKSON HIGH SCHOOL, CO-CHAMPIONS OF STATE 3A FOOTBALL FOR 1979.

Also:

H. J. R. 27. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MAYOR EMORY FOLMAR AND THE CITY COUNCIL OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 28. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL EUGENE DIXON OF CLEVELAND, ALABAMA.

Also:

H. J. R. 30. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which were set out in the above and foregoing report of the Standing Committee on Rules.

REPORT FILED

Pursuant to H. J. R. 295, Act No. 79-575 of the 1979 Regular Session of the Legislature of Alabama, Representative Tommy Ed Roberts, Chairman, submitted the report of the Joint Interim Committee to Study the Effects of Radiation and Other Areas of Nuclear Energy Activities on the State of Alabama to the Legislature, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Carothers:

H. J. R. 35. REQUESTING FROM MEDICAL SERVICES ADMINISTRATION CERTAIN DATA RELATING TO FISCAL AND OWNERSHIP MATTERS OF ALL NURSING HOMES IN THIS STATE WHICH BEAR ON THE EXPENDITURE OF TAXPAYERS' DOLLARS.

WHEREAS, the state's appropriations, directly and indirectly, of taxpayers' dollars for nursing home services has escalated disproportionately during the last ten years than for most other services; and

WHEREAS, fiscal responsibility from all recipients of state funds will be necessary for continuing said services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Medical Services Administration shall furnish forthwith to each member of the legislature a list of each nursing home in this state, its ownership and methods of financing the construction of the nursing home, its total amount of capital ownership, the balance due on the bonded indebtedness, if any, the amount of debt service each home received during the last fiscal year, and how much bonded indebtedness has been paid by taxpayers' dollars during the last ten fiscal years.

BE IT FURTHER RESOLVED, That the Medical Services Administration shall begin providing the stated information as each area of request is accomplished.

RESOLVED FURTHER, That a copy of this resolution be sent by the secretary of the senate to the director of the state Medical Services Administration.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Reps. Holmes and Langford:

H. J. R. 36. COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, ASU's a solid number one in the nation, having overtaken previously ranked number one, Wisconsin-Eau Claire, in their super strong bid for the NAIA National Basketball Championship; and

WHEREAS, the Alabama State University Hornets, District 27 NAIA Champs and an awesome 23-1 so far for the season, unbelievably captured victories in all fifteen of their first fifteen games; and

WHEREAS, it is to be further noted that the Hornet's Head Basketball Coach, James Oliver, during his 5-year career in college coaching, can boast of a phenomenal win-loss record 115-20 overall; and

WHEREAS, with such outstanding talent at the top, and on the court, the Legislature is confident of another final number one national ranking for Alabama's super college athletes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly congratulate Alabama State University on the sensational success of its presently No. 1 nationally-ranked basketball team and sincerely wish them all good luck in the up-coming tournament finals for the Crown.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Oliver and his talented assistants as well as to all members of the team.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Reps. Holmes, Buskey, Zoghby, Bedsole, Smith (M), Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt:

H. R. 37. CONGRATULATING REPRESENTATIVE YVONNE KENNEDY ON HER RECENT PhD DEGREE AWARDED BY THE UNIVERSITY OF ALABAMA.

WHEREAS, it is with great pleasure, and in deep admiration, that the Alabama House of Representatives most heartily congratulates our friend and colleague, Representative Yvonne Kennedy, on her recent PhD Degree, earned in Administration, from the University of Alabama; and

WHEREAS, a native of Alabama's Port City and Mobile high school graduate, Ms. Kennedy's further academic acquisitions include a B.S. Degree from Alabama State University in Montgomery and M.A. Degree in English from Morgan State University in Baltimore, Maryland; she also studied additionally, on the post graduate level, at Columbia University in New York City; and

WHEREAS, it is further to be appreciated that this most recent degree was earned by colleague during a time of administrative employment at Bishop State Junior College in Mobile and while also serving with distinction as a member of the Alabama House of Representatives, working with dedicated diligence in the interest and well-being of her constituents as well as all citizens of our state; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we most highly commend our good friend Yvonne Kennedy for extraordinary academic achievement and most particularly on her recent PhD Degree from the University of Alabama.

BE IT FURTHER RESOLVED, That Dr. Kennedy be presented with a copy of this resolution which is tendered in praise and as evidence of our esteem.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. R. 37, was adopted.

Also:

By Reps. Adams (H) and Ford:

H. J. R. 38. HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

WHEREAS, A Madison County native and a graduate of Auburn University with both his B.S. and Master's degrees, Mr. T.L. "Sandy" Sanderson faithfully served the Alabama Cooperative Extension Service for some 38 years, beginning in 1943 as Assistant County Agent in Marshall County; and

WHEREAS, he later became county agent of Etowah County in January, 1949, and was serving at the time of his retirement as county agent-coordinator in Etowah County; and

WHEREAS, during that time, Sandy Sanderson was instrumental in organizing the Northeast Alabama National Dairy Council which he served for two years as President and for ten years as a Director; he further served as Secretary of the Etowah County Milk Producers Association for eight years, and was instrumental in organizing the Sand Mountain Feeder Pig Association which he served as officio member of the Board of Directors from the time of the organization's inception in 1961; and

WHEREAS, Mr. Sanderson has been the recipient of numerous awards and honors during his time of service as county agent-coordinator, including the Distinguished Service Award for Outstanding Service to Agriculture by the County and National Associations of County Agricultural Agents and the Distinguished Service Award from the Alabama Farm Bureau Department of Commodity Services for Outstanding Service to the Alabama Dairy Industry; and

WHEREAS, he further has been presented an award in recognition for service and support of the Alabama Cattlemen Association and Beef Cattle Industry of Alabama, and Meritorious Service awards from the Etowah County Commodity organizations of County 4-H Clubs, Gadsden Chamber of Commerce, County Extension Council and County Extension Homemaker Clubs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. T.L. "Sandy" Sanderson for extraordinary service with the Alabama Cooperative Extension Service; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he and family members may know of our esteem and deep appreciation for his long years of service to the State of Alabama.

On motion of Rep. Adams (H), the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards,

Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 39. WISHING RALPH C. HOLMES A SPEEDY RECOVERY

WHEREAS, Mr. Ralph C. Holmes has covered the political scene for the BIRMINGHAM NEWS in a very able and capable manner for several years; and

WHEREAS, Mr. Ralph C. Holmes is epitomized by the high caliber character of those whose duties are to inform the public; and

WHEREAS, Ralph C. Holmes is now in University Medical Center for test; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Ralph C. Holmes a speedy recovery and that any test taken will be favorable to him and his complete recovery.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Ralph C. Holmes and the BIRMINGHAM NEWS.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Reps. Buskey, Zoghby, Parker, Kennedy, Turner, McMillan, Bedsole and Stewart:

H. J. R. 40. CONGRATULATING AND COMMENDING OUR FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE, ALABAMA.

WHEREAS, Cain J. Kennedy of Mobile, Alabama, was twice elected to serve the citizens of House District 98 in the Alabama Legislature; and

WHEREAS, Representative Kennedy, an attorney by profession and a 1974 selection as one of the "Outstanding Young Men of America," served his constituents well and, indeed, the entire State of Alabama, for five years during which time he gained the admiration and respect of his peers for superior service and dedication to the duties and responsibility of his high office; and

WHEREAS, Mr. Kennedy of necessity vacated his House seat to accept appointment to the Bench as Judge of the Thirteenth Judicial Circuit, a high honor befitting his qualifications, knowledgeability and legal acumen; and

WHEREAS, Judge Kennedy, a naval veteran and a graduate of California State University, received his law degree with honors from George

Washington University; he is a member of the Alabama, American and National Bar Associations, the American Association of Trial Lawyers, the National Naval Officers Association, NAACP, Masons and Elks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate our good friend, Cain J. Kennedy, on his appointment to the Bench and direct that he receive a copy of this resolution as evidence of our high praise and esteem.

On motion of Rep. Buskey, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey and Kennedy:

H. R. 41. COMMENDING THE MOBILE AREA MARDI GRAS ASSOCIATION FOR ITS SIGNIFICANT PARTICIPATION IN THE CULTURAL, SOCIAL AND CIVIC AFFAIRS OF THE AREA.

Also:

The following resolution was introduced:

By Rep. Minus:

H. J. R. 42. MOURNING THE DEATH OF PAUL THOMAS FOX

WHEREAS, Mr. Paul Thomas Fox died November 3, 1979, at the age of 51, after being stricken with lung cancer; and

WHEREAS, Mr. Fox, who had lived in York since 1965 with his wife, Elizabeth Campbell Fox and their four children; and,

WHEREAS, he was Plant Manager of McGregor Printing Corporation in York, and a member of the York City Council; and,

WHEREAS, he was active in Little League Coaching and at one time played minor league baseball in Pennsylvania; and,

WHEREAS, he was devoted entirely to his family and his work; and,

WHEREAS, on November 6, 1979 in York, many of his friends, relatives and business associates came from all over the United States to give their last respects, and as one friend stated at the services, "He was his own man".

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members do hereby extend their deepest and sincerest sympathy to his widow, his children, and to his many relatives, friends and business associates.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 42, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Gullledge

S. 44. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

By Mr. Martin:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Also:

By Mr. Martin:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 44. Local Government.

S. 86. Local Government.

S. 91. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, and establishing certain traffic laws and penalties for

the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Also:

By Mr. Martin:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 to Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 2. Judiciary.

S. 87. Local Government.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 455. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Judiciary.

By. Rep. Campbell:

H. 456. To provide for and authorize the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment and powers of a board of directors of the Authority; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to acquire student loan notes guaranteed or insured under the higher Education Act of 1965, as amended; to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes; to authorize the Authority to assign and pledge its revenues,

moneys or assets as security for its bonds and notes; to provide that the bonds and notes of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes, of any bonds or notes theretofore issued by the Authority; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds and as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues, and income of the Authority, and the bonds and notes of the Authority, their transfer and the income from such bonds and notes; to exempt the Authority, its bonds, notes and contracts from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to provide that the Authority shall be a not for profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes of the Authority shall be used to purchase student loan notes or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Ways and Means.

By Reps. Smith (C) and Whatley:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and services of process, in certain instances, by mail.

State Administration.

By Rep. Gafford:

H. 458. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Ways and Means.

By Rep. Adams (C):

H. 459. To amend Code of Alabama 1975 Sections 5-19-3 and 5-19-31 which relate to the regulation of extensions of credit so as to provide further for the maximum finance charges and the manner of their calculation; to provide for the manner of repayment and the payment of certain advance charges on loans involving an interest in real estate; further to provide that the rates and authority granted herein are in addition to and not in lieu of any other rates or exemptions authorized by law; and to provide in Section 5-19-31 that subdivision (1) rather than subsection (a) of Section 5-19-1 applies to certain loans.

Banking.

By Rep. Adams (C):

H. 460. To repeal 8-8-1.2 governing the maximum rate of interest to be charged by savings and loan associations on loans secured by savings accounts.

Banking.

By Reps. Cheatwood and Boles:

H. 461. To create a reconstituted Surface Mining Reclamation Commission with responsibility and authority to conform the State's regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes; and

To repeal Act Nol 551, So. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

State Administration.

By Rep. Cheatwood (With Notice and Proof):

H. 462. Relating to Jefferson County; to allow motor vehicle dealers, firms or wrecker or repair services that have abandoned motor vehicles on their property, to effectuate a public auction of such vehicles by advertising such vehicles in compliance with the notice of sale requirements of Code Section 32-13-4 and showing proof thereof to the judge of probate.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 462, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J):

H. 463. To amend section 6-10-6 of the Code of Alabama 1975 relating to personalty so as to provide that wages cannot be claimed as a personal examination from levy and sale under execution or other process for the collection of debts.

Judiciary.

By Rep. Smith (J):

H. 464. To amend section 6-10-37 of the Code of Alabama 1975, relating to garnishment of money so as to provide that wages cannot be claimed as a personal exemption from levy and sale under execution or other process for the collection of debts.

Judiciary.

By Rep. Smith (J) (With Notice and Proof):

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon

private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales or materials to churches, individuals, firms or corporations.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 465, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling, Adams (H), McCorquodale, Shavers, Dial, Blake, Shoemaker, Gafford, Roberts, Letson, Johnson (R.G.), Clark, Harvey, Riddick, Smith (J), Carter, Gregg, Payne, Minus, Gilmer, Starkey, Cosby, Barton, Carothers, Cabaniss, Ford, Stout, Albright, Cobb, Cooley, Patton, Kelley, Waggoner, Drinkard, Manley, Bedsole, Hines, Wyatt, Whatley, Lewis, Williams, Coburn, Willis, Owens, Stewart and Grouby:

H. 466. To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

State Administration.

By Reps. Cosby and Minus:

H. 467. To amend Sections 17-6-1, 17-6-2, and 17-6-6, Code of Alabama 1975, which relate to election officers, and Sections 17-9-19 and 17-9-21, which relate to voting machines, so as to provide for an increase in pay for election officials; to allow appointing board of election managers to hold election schools of instruction at various times; to set a date of 30 days prior to the election when such a school must be held; to open schools to any qualified elector; to require certification except in emergency situations; to add a new section which sets up minimum standards for evaluation and certification of election officials and to require the development of training aids including a handbook for election officials; to increase minimum fine and decrease maximum fine for violations and to require the probate judge to report violations; to fix a date for submitting names of election officials by political parties; to coordinate dates of appointment with dates of schools of instruction; to fix a date for the publication of election officials' names and voting places; and to repeal Section 17-9-20, which relates to compensation of election officers, so as to eliminate additional compensation for said officers.

Ways and Means.

By Rep. Venable:

H. 468. To provide that the State of Alabama shall provide liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Ways and Means.

By Rep. Holley:

H. 469. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Judiciary.

By Reps. Cobb, Greer, Goodwin, Gilmer, Payne, Starkey, Albright, Riddick, Biddle, Moore, Trammell, Cabaniss, Owens, Smith (M), Shavers, Coburn, Stout, Harvey, Blake, Harper (O), Naramore, Williams, Carothers, Grimsley, Laird, Reed, Wyatt, Amari, Holmes, Carter, Smith (J), Patton, Bowling, Letson, Horn, Rains, Cooley, Gafford, Hilliard, Howard, Mitchell, Lewis, Johnson (Roy), Seibels, Johnson (R.G.), Waggoner, Stewart, Crow, Drinkard, Adams (C), Bennett, Ward, Bedsole, Roberts, Cheatwood, Turner, Buskey, Dial, Shoemaker, Clark and Willis:

H. 470. To require the state military department to provide a complete formal military funeral ceremony for all veterans of the United States Armed Services who are Alabama residents upon death and who are not provided such funerals under federal law, practice or guideline.

Ways and Means.

By Reps. Kelley, Mitchell, Stout, McMillan and Bennett:

H. 471. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void, to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

State Administration.

By Reps. Riddick and Adams (H):

H. 472. Relating to public safety, requiring submission of proof of financial responsibility as a condition precedent to the registration or licensing of motor vehicles in Alabama and prescribing penalties; and to facilitate the procuring of such insurance by providing for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks and to prescribe penalty for enforcement.

Ways and Means.

By Rep. Riddick:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally and to appropriate such funds as may be necessary to pay such increase.

Ways and Means.

By Rep. Riddick:

H. 474. Proposing an amendment to the Constitution of 1901, as amended, providing for the maintenance and support of public schools and repealing Section 256 of the Constitution of 1901, as amended.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Riddick:

H. 475. This Act, "The Basic Skills in Education Improvement Act," declares the intention of the Legislature to permit local boards of education flexibility in designing education programs to meet basic skills needs; changes the method of allocating teacher units; establishes responsibilities of the State Board of Education, the State Superintendent of Education and local boards of education in insuring the improvement of basic skills; and repeals the provisions of Section 16-13-52 Code of Alabama 1975.

Ways and Means.

By Rep. Riddick:

H. 476. To repeal Act No. 853, S. 316 approved May 4, 1978 (Acts of Alabama 1978, p. 1278) entitled "An Act to require comprehensive health education in the public schools of Alabama."

Ways and Means.

By Rep. Riddick:

H. 477. To repeal Act No. 268, S. 79, approved August 7, 1969, Regular Session, 1969 (Acts of Alabama 1969 p. 598) entitled, "An Act to authorize and provide for compulsory driver education in the public high schools of Alabama and the granting of credit for same."

Ways and Means.

By Rep. Riddick:

H. 478. Relating to all Alabama public school systems; to require that members of county and city boards of education be elected and that all such boards shall appoint the superintendent of education for the county or the city.

Education.

By Reps. Cooley, Seibels, Goodwin, Bowling, Waggoner and Amari:

H. 479. To amend Section 41-9-91 of the Code of Alabama 1975 relating to the distribution of moneys collected by the chairman of the Boxing and Wrestling Commission, as ex officio the recorder of permits and licenses, so as to clarify the intent as to the moneys to be distributed; and to provide for retroactive effect.

Judiciary.

By Reps. Letson, Patton, Stout, Harvey, Bowling, Carter, Smith (M), Smith (C), Roberts, Dial, Cosby, Adams (H), Drinkard, Ford, Hall, Albright, Cobb, Greer, Starkey and Lewis:

H. 480. To amend Sections 12-12-31 and 12-19-71, Code of Alabama 1975, so as to increase the exclusive jurisdiction of the district court over all civil actions from the present jurisdictional amount of \$500.00 to \$1,000.00 and increase the docket fees.

State Administration.

By Reps. Letson and Patton:

H. 481. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

Ways and Means.

By Reps. Patton, Roberts, Letson, Cooley, Shavers, Carter, Cosby, Kelley, Ray, McMillan, Penry, Hammett, Clark, Williams and Turner:

H. 482. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Judiciary.

By Reps. McMillan and Stout:

H. 483. To amend sections 12-17-92 and 12-17-112, Code of Alabama 1975, relating to the compensation of circuit clerks and registers, so as to provide a minimum annual salary for such officials.

Ways and Means.

By Rep. Blake (With Notice and Proof):

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 484, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 485. To make an additional appropriation to the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Ways and Means.

By Rep. Owens:

H. 486. To amend Section 12-18-84 of the Code of Alabama 1975 relating to the eligibility for retirement of probate judges so as to allow any probate judge who is an active member of the judicial retirement fund to receive credit for up to six (6) years of credit for time served as a tax assessor, tax collector, circuit clerk, superintendent of education, sheriff, legislator, or county commissioner provided that only services rendered within the State of

Alabama shall be eligible and such service shall not be eligible if the probate judge is entitled to any credit or benefits from retirement or pension plan funded wholly or partly by public funds, and which is based on the same service; to provide for the payment of a contribution based on the current salary and contribution rate of any probate judge applying for such service within a one year period of time which commences on the date that the probate judge completes 5 years of creditable service with the judicial retirement fund or the effective date of this Act if such probate judge applying hereunder has the requisite creditable service upon the enactment of this legislation.

Ways and Means.

By Reps. Bedsole, Hines, Johnson (R.G.), Williams, Carothers, Pegues, Warren, Dixon, Kennedy, Parker and Zoghby:

H. 487. To provide penalties for filing false claims with or obtaining excess payments from the State of Alabama, or political subdivisions thereof, and to provide for termination of contracts upon conviction or judgment.

State Administration.

By Reps. Bedsole, Pegues, Johnson (R.G.), Carothers, Hines, Williams, Warren, Dixon, Parker, Zoghby and Kennedy:

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Health.

By Reps. Bedsole, Johnson (R.G.), Pegues, Carothers, Hines, Williams, Warren, Dixon, Zoghby, Kennedy and Parker:

H. 489. To provide for the recovery by the State of Alabama of the interest, penalties and legal expenses in connection with excess payments made to health care providers under the Medicaid Program.

Health.

By Reps. Johnson (R.G.), Willis, Minus and Shoemaker:

H. 490. To require the headlight or headlights on a motorcycle or motor-driven cycle to be burning at any time the machine is moving on public streets or highways; and to prescribe penalties for violation.

Highway Safety.

By Reps. Johnson (R.G.), Shoemaker and Minus:

H. 491. To amend certain sections of Title 32, Code of Alabama 1975, specifically Section 32-6-1 relating to expiration date of driver licenses on a licensee's birthdate; Section 32-6-8 relating to the issuance of temporary instruction and learner's driver permits by the Department of Public Safety, probate judges, and license commissioners, to provide that a restricted learner's license with color photo be issued to applicants age fifteen and above for a

term and in similar manner to a regular driver license except that license restriction shall be noted clearly on the license, to provide the period of time such restricted licenses are to be valid, the manner of issuance and of removing the restriction, establish the cost of such restricted licenses, provide a fee for the issuing authority; and Section 32-6-15 relating to the issuance of duplicate licenses, to provide the manner of issuance, set issuance fee and to provide for the distribution of fees.

Highway Safety.

By Reps. Johnson (R.G.), Shoemaker and Minus:

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Ways and Means.

By Rep. Moore:

H. 493. To exempt the King's Ranch, Inc., of Chelsea, Alabama, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Hilliard:

H. 494. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3) (a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Judiciary.

By Reps. Kennedy, Turner, Zoghby, Parker, Buskey, Hilliard, Stewart, Harper (T), Bedsole, Penry, Warren, Langford, Naramore, McMillan, Albright, Wyatt and Smith (M):

H. 495. To amend Section 16-13-52, Code of Alabama 1975, which provides for the method of determining the number of teacher units for the purpose of apportioning the minimum school program fund, so as to change said method from one based on average daily attendance to one based on average daily membership.

Ways and Means.

By Reps. Ward, Waggoner, Whatley, Laird, Grimsley, Reed, Adams (C), Crow, Harper (O), Williams, Rains, Greer, Minus, Willis, Blake, Johnson (R.G.), Biddle, Dial, Seibels, Clark, Gilmer, Goodwin, Smith (C), Smith (M), Wyatt, Mitchell, Barton, Zoghby, Warren, Edwards, Stewart, Owens, McCorquodale, Bedsole, Harper (T), Ray, Hammett, Roberts, Letson, Patton, Kelley, Bowling, Naramore, Carter, Smith (J), Bennett, Starkey, Hilliard, Tucker, Horn, Olive, Cabaniss, Moore, Shoemaker, Payne, Venable, Cates, Campbell, Carothers, Grouby, McKee and Dixon:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any Municipality in the State of one or more public corporations and

instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of such Municipalities; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any county or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal,

to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Health.

By Reps. Cabaniss and Owens:

H. 497. To amend Section 27-8-1, 27-8-4, 27-8-5 and 27-8-6, Code of Alabama 1975, which pertain to life and disability insurance representatives, so as to provide for licensing of partnerships and corporations as life and disability insurance agents in Alabama and to establish qualifications and procedures for such licensing.

Insurance.

By Rep. Zoghby:

H. 498. Amend Section 23-4-20 of the Code of Alabama 1975 by providing that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require the payment of the value of such land being vacated to such municipality or county; and further providing that such vacation shall not affect the continuing existence in said vacated land of a right-of-way or easement for existing in utility installations and any sanitary or storm sewer.

Local Government.

RESOLUTIONS

The following resolution was introduced:

By Rep. McKee:

H. J. R. 43. REQUESTING THE CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, 1980 Regular Session, applies to the Congress of the United States to call a

convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

BE IT FURTHER RESOLVED, That this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, That copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1980 Regular Session of the Legislature of the State of Alabama.

The resolution, H. J. R. 43, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McMillan and Penry:

H. R. 44. HONORING COACH LYLE UNDERWOOD OF BALDWIN COUNTY HIGH SCHOOL, BAY MINETTE, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Amari:

H. J. R. 45. COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT

WHEREAS, on March 1, 1980, Captain Robert M. Miller will end an outstanding career in law enforcement with the Alabama Department of Public Safety which will span more than thirty years; and

WHEREAS, he began his service as a trooper in Sylacauga, Alabama, followed by duty in Troy, Lanette, Phenix City, Huntsville and Montgomery, transferring finally to Birmingham in 1971; rising through the ranks from trooper to Captain; and

WHEREAS, he also served his country in the service of the U. S. Marines during World War II where he earned the love and respect of his fellow Americans; and

WHEREAS, he also serves as security for Paul "Bear" Bryant, Coach of the University of Alabama through the football season and therefore can legitimately lay claim to contributing to the University's football team's ranking as number one in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Robert M. Miller on his outstanding career in law enforcement and further praise his deep involvement in community affairs and his involvement as a Mason and Shriner as well, we congratulate him on his retirement, wish him well in all future endeavors, and direct that he receive a copy of this resolution as evidence of this body's deep appreciation and esteem.

On motion of Rep. Amari, the rules were suspended and the resolution, H. J. R. 45, was adopted.

BILLS ON THIRD READING

And the bill:

H. 146. Relating to Randolph County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties; to give the county engineer authority to administer this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Dial, Edwards, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Hines, Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Penry, Rains, Ray, Roberts, Starkey, Stewart, Trammell, Venable, Williams, Willis and Wyatt.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cooley, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Hines, Kelley, Kennedy, Langford, Letson, McKee, Manley, Mitchell, Moore, Naramore, Olive, Parker, Penry, Rains, Roberts, Starkey, Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Crow, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Parker, Penry, Rains, Ray, Shavers, Shoemaker, Starkey, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghy

—53

And the bill:

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalites therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Hines, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Payne, Penry, Rains, Ray, Roberts, Shoemaker, Starkey, Turham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Laird, Letson, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Shoemaker, Starkey, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Horn, Jackson, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Roberts, Shoemaker, Smith (C), Starkey, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

BILLS POSTPONED

On motion of Rep. Starkey, the bills, H. 285 and H. 286 which were postponed on the third legislative day, were postponed to the ninth legislative day.

BILLS POSTPONED

On motion of Rep. Manley, the bills, H. 288, H. 289, H. 290 and H. 291, were postponed to the ninth legislative day.

And the bill:

H. 78. (With Substitute): To make a supplemental appropriation to the Alabama State Bar, from the general fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on the Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make a supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, the sum of \$50,000 to the Alabama State Bar for the purposes of salaries and other expenses.

The appropriation herein made shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Bar.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Holley, Horn, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—71

And the bill:

H. 78. To make a supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

As thus amended, was ready a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb,

Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—67

Nays: Rep. Albright.

—1

And the bill:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 173:

On page 2, line 31 delete the words "district attorneys" and insert in lieu thereof the words: county general

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 9.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Horn, Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Mitchell, Olive, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—58

Nays:

Reps.: Albright, Blake, Crow, Holley, Jackson, Johnson (R. G.), Moore, Rains and Wyatt.

—9

And the bill, H. 173 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 7.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carter, Cates, Clark, Cobb, Coburn, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—63

Nays:

Reps.: Dial, Hilliard, Holley, Horn, Jackson, Naramore and Wyatt.

—7

And the bill:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Horn, Johnson (R.G.), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Willis and Zoghby.

—67

Nays: Rep. Wyatt.

—1

And the bill:

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow,

Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harvey, Hines, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Willis and Zoghby.

—67

Nays: Reps.: Holley, Langford and Wyatt.

—3

RESOLUTIONS

The following resolutions were introduced:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 46. NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S BIRTHDAY.

WHEREAS, it is with utmost pleasure that the Legislature of Alabama extends warm and heartfelt congratulations to Mrs. Jennie Elizabeth Kitchens Pemberton who recently celebrated her 100th birthday; and

WHEREAS, a native of Alexander City, Alabama, and now a resident of East Tallassee, Mrs. Pemberton was born February 9, 1880, to Mr. And Mrs. Ben Kitchens; her father, who fought with the Confederacy during the Civil War, distinguished himself by returning to duty, despite the loss, in battle, of most of his right foot, and he remained with his unit until the War's end; and

WHEREAS, widow of the late Ross Pemberton, she and her husband were the parents of twelve children, nine of whom are still living including their son and our friend, John Pemberton, Clerk of the Alabama House of Representatives; she also has 28 grandchildren and 29 great grandchildren; and

WHEREAS, Mrs. Pemberton's long life is truly a blessing to her many, many friends, and to her devoted family who have ever turned to her for guidance and have so greatly benefitted from her wise and loving counsel; and

WHEREAS, even having marked the centennial of her birth, Mrs. Pemberton is in good health and remains active with a keen interest in life, her family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to Mrs. Jennie Elizabeth Pemberton, a warm and gracious Christian lady whom we wish many more years of health, happiness and joy.

BE IT FURTHER RESOLVED, That Mrs. Jennie Elizabeth Pemberton be presented with a copy of this resolution that she may know of our congratulations, warm praise and esteem.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

By Reps. Smith (M), Zoghby, Hilliard, Horn, Naramore, Smith (J), Tucker, Johnson (Roy), Sasser, Harper (T), Kennedy, Whatley, Reed, Patton, Roberts, Letson, Shavers, Howard, and Gilmer:

H. J. R. 47. PROPOSING A CONSTITUTIONAL AMENDMENT TO SECTION 65 OF THE CONSTITUTION OF 1901 SO AS TO PROHIBIT ANY LOTTERY EXCEPT A LOTTERY OPERATED BY AND FOR THE STATE, WITH ALL REVENUES THEREBY GENERATED PAYABLE INTO THE GENERAL FUND OF THE STATE TREASURY; AUTHORIZING THE LEGISLATURE TO PROVIDE BY LAW FOR THE ESTABLISHMENT AND REGULATION OF SUCH LOTTERIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following amendment to the Constitution of 1901, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

"Section 65. The legislature shall have no power to authorize lotteries or any scheme in the nature of a lottery, unless it is a lottery to be operated by and for the benefit of the state, with all revenues thereby generated payable into the general fund of the state treasury as general fund revenues, without designation. Provided, however, that the state's share of profits available as general fund revenues, for the first four years of the state lottery operation, shall be allocated in the following manner: to medical services administration for the medicaid program thirty percent; to the department of pensions and security fifteen percent; to the department of public safety ten percent; to the department of mental health twenty percent; and to the state highway department twenty-five percent. After the first four years of the state lottery operation the aforesaid allocations shall terminate and said sums shall be placed into the general fund of the state treasury as general fund revenues, without designation. The legislature is authorized to provide by law for the establishment and regulation of state-operated lotteries."

RESOLVED FURTHER, That an election upon the proposed amendment is ordered to be held at the next special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

FURTHER RESOLVED, That notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

The resolution, H. J. R. 47, was read a first time at length and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

Was taken up.

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 168:

Amend House Bill No. 168 by adding the following words after (c) appearing on Line 17 of Page 2 of the bill:

"Notwithstanding the above bond requirements"

Further amend the above bill by deleting the word "unprocessed" appearing on Line 19 of Page 2 of the bill.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Cabaniss, Campbell, Carter, Cates, Clark, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—63

Nay: Rep. Holley.

—1

And the bill, H. 168 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Hines, Kelley, Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Reed, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

Nay: Rep. Holley.

—1

And the bill:

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 6.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Boles, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays: Reps.: Dixon, Goodwin, Laird, Langford, Lewis and Wyatt.

—6

CO-SPONSOR ADDED

Rep. Johnson (R. G.) was added as co-sponsor to the bill, H. 96.

And the bill:

H. 104. To prohibit the sale of alcoholic beverages at any of the state welcome centers and rest areas along the public highways of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Reps.: Albright, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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CO-SPONSORS ADDED

Reps.: Smith (C), Turner and Ray were added as co-sponsors to the bill, H. 104.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on February 14, 1980.

H. J. R. 23

H. J. R. 25

H. J. R. 26

H. J. R. 27

H. J. R. 28

H. J. R. 30

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Venable and pursuant to the resolution, H. R. 33, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Wednesday, February 20, 1980.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 20, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Lenny Bolton, Pastor, Chisholm Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Stewart, leave of absence was granted for Rep. Harper (T).

At the request of Rep. Hall, leave of absence was granted for Rep. Gregg.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 48. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Wednesday, February 20, 1980, we adjourn to meet again on Thursday, February 21, 1980, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 48, was adopted.

REPORT FILED

Pursuant to House Joint Resolution 292, Act No. 79-497, Regular Session of the 1979 Legislature, Rep. Joe M. Ford, Chairman, submitted the report of the Joint Interim Committee to Study the needs and necessities of Off-Campus Branches or Centers of Junior Colleges, and the report was ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

On motion of Rep. Pegues, the resolution, H. J. R. 29, was adopted.

Also:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

On motion of Rep. Pegues, the resolution, S. J. R. 16, was adopted.

Also:

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

On motion of Rep. Pegues, the resolution, S. J. R. 17, was adopted.

Also:

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

On motion of Rep. Pegues, the resolution, S. J. R. 19, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

On motion of Rep. Pegues, the resolution, S. J. R. 21, was adopted.

Also:

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

On motion of Rep. Pegues, the resolution, S. J. R. 22, was adopted.

Also:

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

On motion of Rep. Pegues, the resolution, S. J. R. 23, was adopted.

Also:

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL RE-PRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

On motion of Rep. Pegues, the resolution, S. J. R. 24, was adopted.

BILLS ON SECOND READING

Mr. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 82. (With Substitute): To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 182. To prohibit the formation of new Mutual Aid Associations under the provision of § § 27-30-1 through 27-30-33, Code of Alabama 1975.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 185. (With Amendment): To amend § 27-12-7, Code of Alabama 1975 Willful making false statements, under oath, required under the Alabama Insurance Code a felony. To allow venue to be Montgomery County when the statement is required to be filed with the Commissioner of Insurance.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 187. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

H. 188. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar to-wit:

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 34. SETTING MEETING DAYS OF THE LEGISLATURE THROUGH THURSDAY, MARCH 20, 1980.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 36. COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 38. HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

H. J. R. 39. WISHING RALPH C. HOLMES A SPEEDY RECOVERY.

Also:

H. J. R. 40. CONGRATULATING AND COMMENDING OUR FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE, ALABAMA.

Also:

H. J. R. 42. MOURNING THE DEATH OF PAUL THOMAS FOX.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 45. COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT.

Also:

H. J. R. 46. NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S 100th BIRTHDAY.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Clark:

H. 499. To prohibit wiretapping and electronic surveillance of wire and oral communications in Alabama and to provide penalties for unauthorized interceptions; to define wire and oral communications and interception thereof; to provide exceptions and procedures for such exception; and to repeal all laws or parts of law in conflict.

Judiciary.

By Rep. Waggoner (With Notice and Proof):

H. 500. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a

deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 500, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 501. To amend Act No. 210 of the Regular Session of the Legislature of Alabama 1975 (Alabama Acts 1975, Pages 482 and 483) authorizing the governing body of any county of this state having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county five (5) administrative assistants to the said governing body to serve at the pleasure of the governing body.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 501, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Williams, Grimsley, Minus, Sasser, Shoemaker and Daniels:

H. 502. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid purposes; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Ways and Means.

By Rep. Amari:

H. 503. To amend section 40-18-19 of the Code of Alabama 1975, relating to exemptions from state income tax, so as to exempt payment of state income tax on retirement income from the Federal Reserve Employees Benefits System received by retirees of the Federal Reserve System.

Ways and Means.

By Rep. Daniels:

H. 504. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Ways and Means.

By Reps. Payne and Lewis:

H. 505. To amend Section 41-16-51, Code of Alabama 1975, which provides for contracts for which competitive bidding is not required, so as to permit a medical clinic board to purchase, lease or acquire personal property or services without competitive bids.

State Administration.

By Reps. Adams (H), Stout, Harvey, Willis, Crow, Johnson (R. G.), Minus, Shoemaker, Carter, Ford and Drinkard:

H. 506. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Agriculture and Forestry.

By Rep. Smith (J):

H. 507. To provide an investment credit under the Alabama income tax law to the taxpayer reporting income from an investment which he has made during the year in certain farm equipment and machinery; to provide for the carryback and carryover of unused credits; and to direct the department of revenue to promulgate and prescribe rules and regulations as may be necessary to provide such investment credit.

Ways and Means.

By Rep. Smith (J):

H. 508. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to provide for the collection and enforcement of such taxes; and to provide that the proceeds thereof shall be deposited to the credit of the Alabama Special Educational Trust Fund.

Ways and Means.

By Rep. Smith (J):

H. 509. To amend section 15-22-28 of the Code of Alabama 1975 relating to parole and eligibility of certain inmates for parole, so as to provide new standards of eligibility of inmates for parole; to provide further for parole procedures; specifically to repeal sections 14-9-1, 14-9-2, and 14-9-20 through 14-9-25 of the Code of Alabama 1975 relating to deductions of sentences and commutation of sentences; and to repeal any other laws or parts of laws in conflict with the provisions of this act.

Judiciary.

By Reps. McMillan, Zoghby and Sandusky:

H. 510. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Natural Resources.

By Rep. Clark:

H. 511. To provide further for the transfer of juveniles to circuit court upon indictment for Class A felonies and transfer back to juvenile court.

Judiciary.

By Rep. Crow (With Notice and Proof):

H. 512. Relating to Calhoun County; providing further for the compensation on election officials.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 512, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Crow (With Notice and Proof):

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 513, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Crow (With Notice and Proof):

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 514, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 515. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Ways and Means.

By Rep. Kelley:

H. 516. To amend Section 40-23-50, Code of Alabama 1975, in order to exempt from the gross receipts tax levied therein amounts paid to road contractors under contractual escalation provisions for escalations in the cost of fuels, materials, and/or labor.

Ways and Means.

By Rep. Kelley:

H. 517. To amend Section 41-16-1, Code of Alabama 1975, in order to delete from Subsection (a) thereof the requirement that certificates of deposit issued by banks and savings and loan associations be restricted to an amount not in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Banking.

By Rep. Kelley:

H. 518. To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

Banking.

By Rep. Johnson (Roy):

H. 519. To provide for the life saving standard that any person hunting deer with guns be required to wear "hunter orange"; to provide certain exceptions, and to prescribe penalties for violations.

Natural Resources.

By Rep. Seibels (With Notice and Proof):

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment, and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 520, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

The above bill was read a first time at length as required by the Constitution.

By Rep. Seibels:

H. 521. To propose and provide for the submission of an amendment to Section 65 of the Constitution of Alabama of 1901.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Turner:

H. 522. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Ways and Means.

By Rep. Turner:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

Ways and Means.

By Rep. Turner:

H. 524. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be used for Medicaid purposes.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 525, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 526. Relating to Mobile County; requiring all incorporated municipalities in said county, other than the City of Mobile, to mail copies of the unofficial minutes of the meetings of their respective governing bodies to certain newspapers within five days of such meetings.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 527, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 528. To provide for the licensing and performance bonding of any person, firm, corporation or partnership who contracts and installs septic tanks, grease traps and subsurface sewage disposal fields on a commercial basis in Mobile County; to require that such sewage disposal systems be installed properly within allowable limits of slope with a level-sighting instrument; to provide that the number of the level-sighting instrument owned or leased by such contractor or installer shall be recorded on the face of the annual license; to provide that said contractor or installer must be proficient in the use of said instrument; to require that each septic tank, grease trap and subsurface sewage disposal system pass the inspection of the county health officer or his duly authorized representative before the electrical utility company or cooperative serving such connected structure may transfer the electrical power from the temporary electrical service construction pole to the permanent electrical service equipment panel and meter; to provide for proper water percolation testing of the soil in order to calculate the adequate length and proper design of field lines; and to provide that in addition to other remedies provided by law, the county health officer of Mobile County may bring an action to obtain an injunction against anyone commercially installing septic tanks, grease traps, and subsurface sewage disposal fields, restraining them from engaging in such activities either without a license or in an improper manner.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 529. Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of the City of Mobile.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 529, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stewart, Buskey, Warren, Parker, Turner, Penry, Bedsole, Hines, Zoghby and McMillan:

H. 530. To prohibit trains from entering any area where there is a threat of rising water due to inclement weather conditions.

Commerce and Transportation.

By Rep. Hilliard (With Notice and Proof):

H. 531. Relating to Class I Municipalities, to authorize the Mayor of any Class I City of this state to employ for and in behalf of said city a Chief Administrative Assistant to the Mayor, to provide that the salary of the Chief Administrative Assistant shall be determined by the Mayor, and to provide that such employee shall not be subject to any merit system.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 532. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Owens:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Owens:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Ways and Means.

By Rep. Owens:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Rep. Owens:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

Ways and Means.

By Rep. Owens:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Ways and Means.

By Reps. Owens and Reed:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

Ways and Means.

By Reps. Owens, Pegues, Jackson, Olive, Cabaniss and Shoemaker:

H. 539. To temporarily transfer up to \$25 million of the State Insurance Fund to the State General Fund, which monies are otherwise presently committed to future investments and indemnity obligations of the Insurance Fund primarily owed to public education; to appropriate said amount to the Medical Services Administration for the Medicaid Program; and to provide that such transfer shall neither take effect prior to the enactment of the Education Budget Appropriations Act for the Fiscal Year, beginning October 1, 1980, and ending September 30, 1981, nor unless said Education Budget Act shall provide for an absolute appropriation restoring said \$25 million, or any portion thereof transferred, together with an amount equal to the interest which would have been earned on said amount.

Ways and Means.

By Reps. Owens, Sandusky, McMillan, Dixon, Cabaniss, Dial, Carothers, Riddick, Shoemaker, Venable, Hammett, Carter, Roberts, Waggoner:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act. No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crises use, and to appropriate the estimated ending balance in the Alabama Special Education Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Ways and Means.

By Rep. Gafford:

H. 541. To prohibit any union, organization, association, whether professional or otherwise and whether operated for profit or non-profit, and certain other groups of persons and certain individuals from giving aid or contributions or anything of value to any political party or any candidate or nominee; to make certain exceptions; and to prescribe criminal penalties for violations of the provisions of this act.

Banking.

By Reps. Turnham, Riddick and Drinkard:

H. 542. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be

appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Ways and Means.

By Reps. Smith (M), Riddick, Greer, Carter, Smith (J), Gafford, Sasser, Turnham, Ward, Carothers, Holley, Venable, Cates, Owens, Zoghby, Kennedy, Amari, Hall, Albright, Roberts, Pegues, Letson, Hilliard, Holmes and Dixon:

H. 543. To amend Section 32-8-8 of the Code of Alabama 1975, the same being a portion of the Alabama Uniform Certificate of Title and Antitheft Act, so as to add recyclers, garages and body shops to those premises on which inspections may be made of identification numbers of all vehicles or component parts thereof and to authorize such inspections on both licensed and unlicensed premises.

Highway Safety.

By Reps. Smith (M), Riddick, Greer, Carter, Smith (J), Gafford, Sasser, Turnham, Ward, Carothers, Holley, Cates, Zoghby, Kennedy, Hall, Albright, Roberts, Pegues, Letson, Holmes and Dixon:

H. 544. To amend Section 13A-8-22 of the Alabama Criminal Code which makes it a criminal offense to obscure the identity of a vehicle by broadening the definition of a "vehicle" and by adding a provision that "vehicles" and component parts thereof on which the manufacturer's identification number has been removed or rendered unidentifiable shall be contraband and subject to forfeiture; and to provide procedure for such forfeiture and for the ultimate disposition of such vehicles and parts.

Judiciary.

By Reps. Greer, Goodwin, Gilmer, Trammell and Olive:

H. 545. To provide that prisoners of war shall be entitled to the issuance of special license plates.

Ways and Means.

By Reps. Amari and Bennett (With Notice and Proof):

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act No. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory

acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Dixon, Venable, Cates, Wyatt, Grouby and Daniels:

H. 547. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

State Administration.

By Reps. Harrison, McMillan, Waggoner, Cabaniss, Pegues, Shoemaker, Roberts and Carothers:

H. 548. To authorize the governor to make cash awards to employees of the State of Alabama for suggestions that lead to the economical and efficient operation of state government.

Ways and Means.

REPORT FILED

Pursuant to H. J. R. 253, Act No. 79-339 of the Regular Session of the 1979 Legislature, the report of the Joint Interim Committee to study the feasibility of constructing a new State Building was submitted in three parts by the three sub committees so formed, and the report was ordered filed.

BILLS ON THIRD READING

And the bill:

H. 131. Relating to Sumter County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold; and to levy a tax on such wine.

Which was postponed on the third legislative day, was taken up.

H. 131 INDEFINITELY POSTPONED

On motion of Rep. Minus, the bill, H. 131, was indefinitely postponed.

And the Bill:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40: Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Brakefield, Cabaniss, Cates, Clark, Coburn, Cosby, Crow, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Laird, Langford, McMillan, Minus, Mitchell, Naramore, Patton, Penry, Ray, Roberts, Sasser, Seibels, Starkey, Stout, Whatley, Willis, Wyatt and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 450. To provide for the licensing and performance bonding of any person, firm, corporation or partnership who contracts and installs septic tanks, grease traps and subsurface sewage disposal fields on a commercial basis in Washington County to require that such sewage disposal systems be installed properly within allowable limits of slope with a level-sighting instrument; to provide that the number of the level-sighting instrument owned or leased by such contractor or installer shall be recorded on the face of the annual license; to provide that said contractor or installer must be proficient in the use of said instrument; to require that each septic tank, grease trap and subsurface sewage disposal system pass the inspection of the county health officer or his duly authorized representative before the electrical utility company or cooperative serving such connected structure may transfer the electrical power from the temporary electrical service construction pole to the permanent electrical service equipment panel and meter; to provide for proper water percolation testing of the soil in order to calculate the adequate length and proper design of field lines; and to provide that in addition to other remedies provided by law, the county health officer of Washington County may bring an action to obtain an injunction against anyone commercially installing septic tanks, grease traps, and subsurface sewage disposal fields, restraining them from engaging in such activities either without a license or in an improper manner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas

Reps.: Adams (C), Albright, Barton, Bennett, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Hines, Horn, Laird, Letson, McMillan, Manley, Mitchell, Naramore, Olive, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Warren, Whatley, Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 451. Relating to Washington County; to authorize and legalize the sale of fireworks in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carter, Cheatwood, Clark, Coburn, Cosby, Drinkard, Edwards, Ford, Gafford, Hall, Harper (O), Harvey, Hines, Holley, Horn, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Pegues, Penry, Rains, Reed, Roberts, Sasser, Starkey, Trammell, Turner, Warren, Whatley, Willis Wyatt and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Harper (O), Hines, Holley, Horn, Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 117. (With Substitute): Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) is hereby repealed.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—61

H. 117 TEMPORARILY POSTPONED

On motion of Rep. Riddick, the bill, H. 117 as amended, was temporarily postponed.

And the bill:

H. 270. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property.

Was taken up.

H. 270 POSTPONED

On motion of Rep. Riddick, the bill, H. 270, was postponed to the sixth legislative day.

H. 117 RESUMED

And the bill:

H. 117. Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Edwards, Ford, Goodwin, Greer, Grimsley, Hall, Harper (O), Harvey, Holmes, Horn, Johnson (Roy), Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Naramore, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—55

Nay: Rep. Drinkard.

—1

And the bill:

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine disease.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Reps. Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby Hammett, Harper (O), Harvey, Hilliard, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—74

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 199.

And the bill:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Was taken up.

H. 145 POSTPONED

On motion of Rep. Ward, the bill, H. 145 was postponed to the seventh legislative day.

And the bill:

H. 133. To amend Section 15-9-2 of the Code of Alabama 1975 so as to increase the amount of rewards that may be offered by a municipal governing body for information leading to the arrest and conviction of guilty persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Zoghby.

—76

And the bill:

H. 33. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett,

Harper (O), Harvey, Hines, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Patton, Payne, Penry, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—73

CO-SPONSOR ADDED

Rep. Johnson (Roy) was added as co-sponsor to the bill, H. 33.

And the bill:

H. 10. To repeal Act No. 596, H. 778, 1977 Regular Session (Acts 1977, p. 797), entitled, "An Act to create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this act retroactive effect"; providing that the provisions of said Act 596 shall continue to apply to persons covered by its provisions prior to January 1, 1980.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—77

Nays: Reps.: Cheatwood and Rains.

—2

And the bill:

H. 245. To amend Section 8-8-10 of the Code of Alabama 1975, relating to Interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 9.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harvey, Johnson (R. G.),

Johnson (Roy), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—65

Nays:

Reps.: Cheatwood, Coburn, Crow, Hilliard, Holley, Holmes, Horn, Howard and Payne.

—9

And the bill:

H. 221. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Was taken up.

H. 221 POSTPONED

On motion of Rep. Campbell, the bill, H. 221, was postponed to the seventh legislative day.

And the bill:

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—84

And the bill:

H. 247. To provide that any law to the contrary notwithstanding, any person who sells his real or personal property and who retains a mortgage or other security interest in such property, may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Was taken up.

AMENDMENT OFFERED

Rep. Clark offered the following amendment to the bill, H. 247:

Amend H. B. 247 by inserting on line 37 page 1 after the word change the words "up to"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smigh (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Holley.

—1

And the bill, H. 247 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 5.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Coburn, Greer, Holley, Smith (C) and Stout.

—5

And the bill:

H. 9. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 15.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Harvey, Howard, Johnson (Roy), Laird, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—59

Nays:

Reps. Bedsole, Coburn, Gilmer, Hall, Harrison, Holley, Horn, Langford, Letson, Lewis, McKee, Mitchell, Patton, Riddick, and Stout.

—15

CO-SPONSORS ADDED

Reps. Cobb, Biles and Smith (J) were added as co-sponsors to the bill, H. 9.

And the bill:

H. 17. To amend section 12-16-150, Code of Alabama 1975, relating to the challenge of jurors for cause, so as to remove the disqualification of jurors over the age of 65.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 17:

Reps.: Adams (H), Albright, Barton, Boles, Brakefield, Campbell, Cates, Cheatwood, Cooley, Cosby, Crow, Dixon, Drinkard, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Holley, Howard, Johnson (Roy), Laird, McKee, Minus, Mitchell, Naramore, Olive, Parker, Penry, Rains, Ray, Reed, Seibels, Shavers, Smith (J), Stewart, Trammell, Turner, Venable, Warren, Wyatt and Zoghby.

And the bill:

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. § 522 (d)) are not available to persons residing in this state; providing an effective date.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Hilliard to postpone consideration of the bill, H. 141, to the twenty-seventh legislative day, was tabled.

Yeas 46; Nays 27.

Yeas:

Reps.: Adams (C), Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Naramore, Olive, Parker, Patton, Payne, Penry, Ray, Shoemaker, Smith (C), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—46

Nays:

Reps.: Adams (H), Amari, Barton, Boles, Bowling, Brakefield, Buskey, Cheatwood, Coburn, Crow, Greer, Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, Lewis, Mitchell, Rains, Roberts, Seibels, Smith (M) and Starkey.

—27

MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Johnson (Roy) to postpone consideration of the bill, H. 141, to the eighth legislative day, was tabled.

Yeas 47; Nays 35.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Blake, Bowling, Cabaniss, Carothers, Cates, Clark, Cosby, Daniels, Dial, Drinkard, Ford, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—47

Nays:

Reps.: Amari, Barton, Bedsole, Bennett, Boles, Buskey, Carter, Cheatwood, Coburn, Cooley, Crow, Dixon, Edwards, Gilmer, Goodwin, Greer, Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Mitchell, Penry, Rains, Reed, Smith (M), Starkey, Stout, Tucker and Whatley.

—35

CO-SPONSOR ADDED

Rep. Johnson (R. G.) was added as co-sponsor to the bill, H. 141.

RESOLUTION

The following resolution was introduced:

By Rep. Moore:

H. J. R. 49. CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted, with pleasure, the Diamond Wedding Anniversary on February 26, 1980 of Mr. and Mrs. Rufus E. Brasher of Leeds, Alabama; and

WHEREAS, Rufus and Ethel Mae Brasher were legally joined in holy matrimony on February 26, 1905, and have remained in said holy state for 75 years; and

WHEREAS, They have lived their lives as one, devoted to one another, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Brasher, both of whom are descendants of original settlers of Leeds, are the parents of nine living children and have numerous fine grandchildren as well as great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Leeds, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Brasher that they may know of our congratulations and warm best wishes for many more years of shared joy and happiness.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 49, was adopted.

H. 411 RE-REFERRED

At the request of Rep. Moore, the Speaker re-referred the bill, H. 411, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Local Government.

MOTION TO ADJOURN LOST

The motion offered by Rep. Amari that the House adjourn until 11:00 o'clock a.m., Thursday, February 21, 1980, was lost.

Yeas 23; Nays 41.

Yeas:

Reps.: Barton, Blake, Buskey, Carter, Cheatwood, Cooley, Goodwin, Grimsley, Grouby, Hilliard, Johnson (Roy), Kennedy, Langford, Naramore, Rains, Roberts, Sandusky, Shavers, Smith (M), Starkey, Trammell, Whatley and Wyatt.

—23

Nays:

Reps.: Adams (C), Albright, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Cates, Clark, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Greer, Hall, Hammett, Harvey, Howard, Johnson (R. G.), Kelley, Laird, Letson, McKee, Minus, Moore, Olive, Parker, Patton, Seibels, Shoemaker, Smith (J), Stewart, Venable, Waggoner, Warren and Zoghby.

—41

H. 141 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Greer to postpone consideration of the bill, H. 141, to the ninth legislative day, was tabled.

Yeas 44; Nays 25.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Biddle, Blake, Bowling Brakefield, Cabaniss, Campbell, Carter, Cates, Clark, Cosby, Dial, Drinkard, Ford, Gafford, Hall, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Roberts, Sandusky, Shoemaker, Smith (C), Stewart, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—44

Nays:

Reps.: Barton, Buskey, Cheatwood, Coburn, Cooley, Crow, Daniels, Goodwin, Greer, Harrison, Hilliard, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, Rains, Reed, Sasser, Smith (M), Starkey, Stout, Tucker and Turner.

—25

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 141:

Amend H. B. 141 to read as follows:

Section 2, lines 26 through 28, strike the language following the word "effect" and insert in lieu thereof:

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AMENDMENT TABLED

On motion of Rep. Harvey, the amendment offered by Rep. Barton to the bill, H. 141, was tabled.

Yeas 46; Nays 23.

Yeas:

Reps.: Adams (C), Albright, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harvey, Holley, Johnson (R. G.), Kelley, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Ray, Roberts, Shoemaker, Smith (C), Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—46

Nays:

Reps.: Adams (H), Barton, Bedsole, Buskey, Cheatwood, Clark, Coburn, Crow, Goodwin, Greer, Harrison, Hilliard, Horn, Howard, Johnson (Roy), Kennedy, Langford, Penry, Rains, Smith (M), Starkey, Tucker and Turner.

—23

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Coburn to temporarily postpone consideration of the bill, H. 141, was tabled.

Yeas 41; Nays 34.

Yeas:

Reps.: Adams (C), Albright, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark, Cosby, Dial, Drinkard, Ford, Gilmer, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Letson, McKee, Manley, Minus, Mitchell, Naramore, Olive, Parker, Patton, Payne, Pegues, Roberts, Seibels, Shoemaker, Turnham, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—41

Nays:

Adams (H), Amari, Barton, Bennett, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Goodwin, Greer, Grimsley, Grouby, Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Penry, Rains, Reed, Smith (M), Starkey, Stewart, Stout, Tucker and Turner.

—34

MOTION TO ADJOURN LOST

The motion offered by Rep. Shoemaker that the House adjourn until 11:00 o'clock a.m., Thursday, February 21, 1980, was lost.

Yeas 36; Nays 40.

Yeas:

Reps.: Adams (H), Amari, Barton, Blake, Buskey, Campbell, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Ford, Goodwin, Grouby, Harper (O), Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Parker, Pegues, Penry, Rains, Reed, Shavers, Shoemaker, Smith (M), Starkey, Stout, Tucker, Willis and Wyatt.

—36

Nays:

Reps.: Adams (C), Albright, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark, Cosby, Dial, Drinkard, Gafford, Greer, Grimsley, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Minus, Moore, Naramore, Olive, Patton, Payne, Ray, Roberts, Seibels, Smith (C), Stewart, Venable, Waggoner, Warren and Zoghby.

—40

H. 141 RESUMED
AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 1 to the bill, H. 141:

Amend H. B. 141 by adding Section 2. That the Home Stead Exemption under the Federal Law shall remain as is. Renumber there after.

AMENDMENT TABLED

On motion of Rep. Harvey, the amendment No. 1 offered by Rep. Hilliard to the bill, H. 141, was tabled.

Yeas 43; Nays 35.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark, Cosby, Dial, Drinkard, Ford, Gafford, Gilmer, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Letson, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Pegues, Roberts, Seibels, Shoemaker, Smith (C), Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—43

Nays:

Reps.: Amari, Barton, Bennett, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Goodwin, Greer, Grimsley, Harper (O), Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Payne, Penry, Rains, Reed, Smith (M), Starkey, Stewart, Stout, Tucker, Turner and Willis.

MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Tucker to postpone consideration of the bill, H. 141, to the seventh legislative day, was tabled.

Yeas 47; Nays 34.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Bedsole, Blake, Bowling, Cabaniss, Carter, Cates, Cobb, Cosby, Dial, Drinkard, Gafford, Gilmer, Hall, Hammett, Harvey, Holley, Howard, Johnson (R. G.), Kelley, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Pegues, Ray, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Tucker, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—47

Nays:

Reps.: Barton, Bennett, Biles, Brakefield, Buskey, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Goodwin, Greer, Grimsley, Harper (O), Harrison, Hilliard, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Olive, Payne, Penry, Rains, Reed, Smith (M), Starkey, Stout, Turner and Willis.

—34

AMENDMENT OFFERED

Rep. Amari offered the following amendment to the bill, H. 141:

Amend H. B. 141 by adding Section 2. That the Home Stead Exemption under the Federal Law shall be reduced to \$5000.00. Renumber there after.

AMENDMENT TABLED

On motion of Rep. Harvey, the amendment offered by Rep. Amari to the bill, H. 141, was tabled.

Yeas 45; Nays 38.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Roberts, Seibels, Shoemaker, Smith (C), Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—45

Nays:

Reps.: Adams (H), Amari, Barton, Bennett, Boles, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Gilmer, Goodwin, Greer, Grimsley, Harper (O), Harrison, Hilliard, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Payne, Penry, Rains, Reed, Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner and Willis.

—38

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 2 to the bill, H. 141:

Amend H. B. 141 by adding Section 2, that the spouse cannot be forced to relinquish the ownership of said homestead exemption.

AMENDMENT TABLED

On motion of Rep. Harvey, the amendment No. 2 offered by Rep. Hilliard to the bill, H. 141, was tabled.

Yeas 56; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark, Cosby, Daniels, Dial, Dixon,

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Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—56

Nays:

Reps.: Barton, Bedsole, Bennett, Boles, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Goodwin, Greer, Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Payne, Rains, Reed, Smith (M), Starkey, Stout, Trammell, Tucker, Turner and Willis.

—30

MOTION TO ADJOURN LOST

The motion offered by Rep. Reed that the House adjourn until 11:00 o'clock a.m., Thursday, February 21, 1980, was lost.

Yeas 36; Nays 41.

Yeas:

Reps.: Amari, Barton, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Daniels, Ford, Goodwin, Grouby, Harper (O), Hilliard, Horn, Howard, Johnson (Roy), Lewis, Parker, Payne, Rains, Reed, Roberts, Sasser, Shoemaker, Smith (M), Starkey, Trammell, Tucker, Whatley, Willis and Wyatt.

—36

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bowling, Cabaniss, Carter, Cates, Clark, Cosby, Dial, Dixon, Drinkard, Gafford, Greer, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Ray, Seibels, Stewart, Venable, Waggoner, Ward and Zoghby.

—41

H. 141 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Holmes to postpone consideration of the bill, H. 141, to the tenth legislative day, was tabled.

Yeas 48; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Albright, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Clark, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Ray, Roberts, Shoemaker, Stewart, Venable, Waggoner, Ward, Warren, Whatley and Zoghby.

—48

Nays:

Reps.: Barton, Bennett, Boles, Buskey, Cheatwood, Coburn, Cooley, Crow, Goodwin, Greer, Hilliard, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Payne, Rains, Smith (M), Starkey, Stout, Trammell, Tucker, Turner and Wyatt.

—25

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 34. Relative to meeting dates: Tuesday, February 26, 1980; Thursday, February 28, 1980; Tuesday, March 4, 1980; Thursday, March 6, 1980; Tuesday, March 18, 1980, and Thursday, March 20, 1980.

Also:

H. J. R. 36. COMMENDING THE ALABAMA STATE UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 38. HONORING COUNTY AGENT T. L. SANDERSON UPON HIS RETIREMENT FROM THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

H. J. R. 39. WISHING RALPH C. HOLMES A SPEEDY RECOVERY.

Also:

H. J. R. 40. CONGRATULATING AND COMMENDING OUR FORMER COLLEAGUE, CAIN KENNEDY OF MOBILE, ALABAMA.

Also:

H. J. R. 42. MOURNING THE DEATH OF PAUL THOMAS FOX.

Also:

H. J. R. 45. COMMENDING CAPTAIN ROBERT M. MILLER OF BIRMINGHAM UPON HIS RETIREMENT.

Also:

H. J. R. 46. NOTING THE OCCASION OF MRS. JENNIE ELIZABETH PEMBERTON'S 100TH BIRTHDAY.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Rep. Tucker that the House adjourn until 11:00 o'clock a.m., Thursday, February 21, 1980, was lost.

Yeas 30; Nays 42.

Yeas:

Reps.: Barton, Blake, Boles, Buskey, Clark, Coburn, Cooley, Crow, Gilmer, Goodwin, Grouby, Harper (O), Howard, Johnson (Roy), Kennedy, Parker, Payne, Rains, Riddick, Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Whatley, Williams, Willis and Wyatt.

—30

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bowling, Cates, Cheatwood, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Greer, Grimsley, Hall, Hammett, Harvey, Hilliard, Johnson (R. G.), Kelley, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Venable, Waggoner, Ward, Warren and Zoghby.

—42

H. 141 RESUMED

And the bill, H. 141, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—65

Nays:

Reps.: Barton, Bennett, Boles, Buskey, Cheatwood, Cobb, Coburn, Crow, Goodwin, Harrison, Hilliard, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Rains, Smith (M), Starkey, Tucker and Turner.

—21

H. 487 RE-REFERRED

At the request of Rep. Bedsole, the Speaker re-referred the bill, H. 487, from the Standing Committee on State Administration to the Standing Committee on Health.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:00 P.M. on February 20, 1980.

H. J. R. 34.

H. J. R. 36.

H. J. R. 38.

H. J. R. 39.

H. J. R. 40.

H. J. R. 42.

H. J. R. 45.

H. J. R. 46.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Shoemaker and pursuant to the resolution, H. R. 48, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, February 21, 1980.

Yeas 39; Nays 33.

Yeas:

Mr. Speaker, Amari, Blake, Boles, Brakefield, Clark, Cobb, Cooley, Edwards, Goodwin, Grimsley, Harper (O), Hilliard, Howard, Johnson (Roy), Laird, Langford, Letson, Lewis, Manley, Minus, Patton, Pegues, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Whatley, Williams and Wyatt.

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Nays:

Reps.: Adams (C), Albright, Barton, Bedsole, Bowling, Cabaniss, Cheatwood, Coburn, Crow, Dial, Dixon, Drinkard, Greer, Grouby, Hall, Hammett, Holley, Johnson (R. G.), McKee, Mitchell, Moore, Naramore, Olive, Payne, Rains, Ray, Seibels, Smith (C), Smith (J), Stewart, Venable, Warren and Zoghby.

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REGULAR SESSION
6th Day

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SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 21, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by John Riley, inspirational speaker and Bible teacher, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby.

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A quorum was present.

REPORT OF STANDING COMMITTEE RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

Also:

H. J. R. 49. CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 50. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Thursday, February 21, 1980, we adjourn to meet again on Tuesday, February 26, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 50, was adopted.

Also:

By Rep. Manley:

H. J. R. 51. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Joint Interim Committee to Study Salaries and Related Matters, created under H. J. R. 61, Act 79-76, 1979 Regular Session of the Legislature, be given an extension of time to report their findings and recommendations to the 1980 Regular Session of the Legislature.

Said committee shall make their final report to both houses not later than the 30th Legislative day, and after having made said report the Joint Interim Committee to Study Salaries shall terminate.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 51, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Smith (M), leave of absence was granted for Rep. Gregg.

At the request of Rep. Stewart, leave of absence was granted for Rep. Harper (T).

RESOLUTIONS

The following resolutions were introduced:

By Reps. Gafford, Venable, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 52. MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

WHEREAS, the Legislature of Alabama has grievously noted the death of a beloved former colleague, H. H. O'Daniel of Kent, Alabama, on February 12, 1980, at the age of 69; and

WHEREAS, H. H. O'Daniel, affectionately known to all as "Runt," was a prominent Elmore County businessman who began his career with a grocery store in Kent in 1932, later to enter farming and the truck line business; in 1940, he opened a car dealership and, since 1942, he had been engaged in the real estate business with offices in both Tallassee and Montgomery; and

WHEREAS, Runt O'Daniel served with many of the present members of the Legislature from 1970 to 1974, representing Elmore County House District 30 with dedicated diligence and extraordinary ability; he served prestigiously as a member of the Rules, State Administration and Insurance Committees; and

WHEREAS, a member of the Bethlehem East Baptist Church, Mr. O'Daniel also was a Mason and Shriner, a member of the Tallassee Chamber of Commerce and the Alabama Cattlemen's Association, which memberships evidenced his deep involvement in the civic, religious and charitable affairs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of H. H. "Runt" O'Daniel of Kent, Alabama, and extend our most heartfelt sympathy to all members of his family who are so sorely grieved by their loss.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Vera O'Daniel, and to their daughter, Jane O'Daniel Lawrence, as evidence of shared grief and of our concern for them during this time of such great sorrow.

On motion of Rep. Gafford, The rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

By Rep. Pegues:

H. J. R. 53. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

WHEREAS, the Congress of the United States currently is considering the enactment of a tax on windfall profits of American oil companies; and

WHEREAS, understandably there has been considerable discussion and disagreement regarding the ultimate disposition of the proceeds which would be realized from such a tax; and

WHEREAS, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

WHEREAS, the unprecedented inflation in highway construction and maintenance costs, continuing demand for highway travel and uncertain growth in fuel consumption have prevented the traditional road-user taxes from meeting the street, road and highway needs of this country; and

WHEREAS, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities, and

WHEREAS, this revenue problem has created a national problem of the utmost seriousness and urgency; and

WHEREAS, the inability to adequately maintain our highway systems imposes increasing costs on the transportation of people and products, add to the inflationary spiral and poses an increasing safety hazard to our citizens as the highways continue to deteriorate; and

WHEREAS, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most earnestly beseech the President and the Congress of the United States to apply the revenues derived from any windfall profits tax on oil companies toward the repair and revitalization of the National Defense Highway System.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation in Washington, D. C., for their prompt consideration and endorsement and as a means of communication to our national leaders that board support which this proposal enjoys.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Rep. Clark:

H. J. R. 54. COMMENDING A & M. UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUTSTANDING PERFORMANCE.

WHEREAS, Cleveland Austin, switching from tight end to quarterback in 1978, has been a two-year starter for the A & M Bulldogs, calling the signals for the best two-season record compiled by A & M in the last sixteen years; and

WHEREAS, as a junior, Cleveland Austin threw for 857 yards on 55 completions with three touchdowns, while running the ball for an additional 116 yards; this past year, as a senior, he threw for 1,247 yards on 87 completions with five TD's and 120 yards running for a 15-7 record over the last two seasons; and

WHEREAS, in 1979, quarterback Austin led the Bulldogs to their first-ever appearance in an NCAA Football Championship Play-off by virtue of conference championship with a perfect 4-0 league mark; they won impressively over the defending 1-AA Champions, Florida A & M, defeated Morgan State in the first round play-offs and, though suffering defeat in the semi-finals, A & M's quarterback leadership was much in evidence in the Bulldog's all-out effort and perseverance; and

WHEREAS, Cleveland Austin has been distinctly honored on several occasions following the '79 season including selection to the first team of the SIAC, to the Atlanta Journal All-SIAC team for '79 and to Atlanta's 100% Wrong Club's SIAC team of the year; he also was selected to play in the Black College All-Star Game, was several times named WEUP's Player of the Week and has since been named to share the WEUP Football "Player of the Year" award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cleveland Austin of A & M University for outstanding performance as the two-year starting quarterback for the Bulldogs.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to quarterback Austin in token of this body's congratulatory praise.

On motion of Rep. Clark, the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

By Rep. Clark:

H. R. 55. COMMENDING A & M UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUTSTANDING PERFORMANCE.

WHEREAS, Cleveland Austin, switching from tight end to quarterback in 1978, has been a two-year starter for the A & M Bulldogs, calling the signals for the best two-season record compiled by A & M in the last sixteen years; and

WHEREAS, as a junior, Cleveland Austin threw for 857 yards on 55 completions with three touchdowns, while running the ball for an additional 116 yards; this past year, as a senior, he threw for 1,247 yards on 87 completions with five TD's and 120 yards running for a 15-7 record over the last two seasons; and

WHEREAS, in 1979, quarterback Austin led the Bulldogs to their first-ever appearance in an NCAA Football Championship Play-off by virtue of conference championship with a perfect 4-0 league mark; they then won impressively over the defending 1-AA Champions, Florida A & M, defeated Morgan State in the first round play-offs and, though suffering defeat in the semi-finals, A & M's quarterback leadership was much in evidence in the Bulldog's all-out effort and perseverance; and

WHEREAS, Cleveland Austin has been distinctly honored on several occasions following the '79 season including selection to the first team of the SIAC, to the Atlanta Journal All-SIAC team for '79 and to Atlanta's 100% Wrong Club's SIAC team of the year; he also was selected to play in the Black College All-Star Game, was several times named WEUP's Play of the Week and since been named to share the WEUP Football "Player of the Year" award; now therefore.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we most highly commend Cleveland Austin of A & M University for outstanding performance as the two-year starting quarterback for the Bulldogs.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to quarterback Austin in token of this body's congratulatory praise.

On motion of Rep. Clark, the rules were suspended and the resolution, H. R. 55, was adopted.

Also:

By Rep. Cosby:

H. R. 56. EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES IN REGARD TO THE MARCH 11, 1980, PRIMARY.

WHEREAS, the Legislature of Alabama has never enacted legislation to require the registration of voters by party affiliation, and

WHEREAS, the Secretary of State of the State of Alabama has under the date of January 31, 1980, issued a statement of rules to be followed in the Presidential Preference Primary to be held on March 11, 1980, which said statement contains an interpretation of the primary election laws of Alabama in such a way as to require formal affiliation with a particular party in order to vote in either primary; and

WHEREAS, the Secretary of State has issued an "Election Officials' Handbook for the March 11, 1980, Election," and at page 51 of said "Handbook," dealing with the eligibility of voters, the following underlined and emphasized words appear:

"Voters must pledge support to the party before being given a primary ballot or allowed to vote in the primary . . ."; and

WHEREAS, this interpretation denies the independent voters of Alabama the right to participate in the March 11, 1980, Presidential Primary; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That it is the sense of this body that the independent voters of Alabama have the right to participate in the March 11, 1980, Presidential Preference Primary and need only to state the party affiliation of the candidate for whom they intend to vote.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the Boards of Registrars in the State of Alabama before March 4th, 1980.

MOTION TO SUSPEND RULES

Rep. Cosby offered the motion to suspend the rules and adopt the resolution, H. R. 56.

DIVISION OF THE QUESTION

Rep. Wyatt called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Cosby to suspend the rules in order to take up for immediate consideration the resolution, H. R. 56, and the motion was lost, lacking a four-fifths vote.

Yeas 52; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Boles, Bowling, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harvey, Holley, Kelley, Letson, Lewis, McKee, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Pegues, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Turnham, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Bedsole, Cabaniss, Hall, Holmes, Howard, Johnson (Roy), Kennedy (Y), Langford, Mitchell, Parker, Penry, Sasser, Seibels, Starkey, Stout, Turner and Wyatt.

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The resolution, H. R. 56, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Rep. Ward filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to add the following House Rule:

Rule 27b. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 29. ENCOURAGING THE UNITED STATES CONGRESS, THROUGH APPROPRIATE CHANNELS, TO INCREASE FUNDING IN THE BUDGET OF THE FOREST SERVICE, USDA, THAT SUPPORTS MORE FREQUENT FOREST SURVEYS IN THE STATES.

H. J. R. 49. CONGRATULATING MR. AND MRS. RUFUS E. BRASHER ON THEIR DIAMOND WEDDING ANNIVERSARY.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 457. To amend Section 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and service of process, in certain instances, by mail.

H. 445. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 412. (With Amendment): To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger with minimum road frontage of 400 front feet, such size tracts shall not be subject to the requirement of taking a percolation test.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

H. 489. To provide for the recovery by the State of Alabama of the interest, penalties and legal expenses in connection with excess payments made to health care providers under the Medicaid Program.

H. 487. To provide penalties for filing false claims with or obtaining excess payments from the State of Alabama, or political subdivisions thereof, and to provide for termination of contracts upon conviction or judgment.

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need

for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of such Municipalities; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County,

Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

H. 316. To amend Section 11-58-1 of the Code of Alabama 1975 relating to medical clinic boards so as to redefine the term "Clinical Facilities."

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 91. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

H. 122. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

H. 255. To further amend Section 40-16-6, Code of Alabama 1975, to eliminate restrictions against levy and assessment of excise or license taxes by municipalities and counties.

H. 391. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

S. 87. To amend Sections 11-46-21, , 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Hall, Albright, Jackson, Smith (M), Riddick, Gregg, Stout, Smith (J), Ford, Kennedy, Greer, Hilliard, Horn, Amari, Bennett, Payne, Lewis, Barton, Waggoner, Boles, Bedsole, Harper (T), Trammell, Buskey, Dixon, Cooley, Olive, and Seibels:

H. 549. To amend section 40-17-73 of the Code of Alabama 1975, as amended, relating to the disposition of 55 percent of net gasoline tax proceeds so as to provide further for the disposition of a certain portion of such proceeds.

By Reps. Waggoner, Amari and Bennett (With Notice and Proof):

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 550, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 551. To amend, in implementation of the constitutional amendment proposed in Act. No. 79-541, Regular Session 1979, Section 40-8-1 of the Code of Alabama 1975; to define the classes of taxable property subject to ad valorem taxation by the State of Alabama and by all counties, municipalities or other taxing authorities therein, under authority of Article XI, Section 217 of the Constitution of Alabama of 1901, as amended; to redefine residential property; to prohibit retrospective or retroactive application of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979 with respect to any ad valorem tax accrued prior to October 1, 1979, thus prohibiting the refund of any such tax, or portion thereof; to provide an effective date for the act; and to provide that the provisions of this act shall apply to any taxes accruing after October 1, 1979.

Ways and Means.

By Rep. Harrison (With Notice and Proof):

H. 552. To further amend Section 3.09 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census so as to provide that the City Council shall fill vacancies in the council until the next biennial councilmember election at which any unexpired vacant term shall be filled by election.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 552, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Manley:

H. 553. To amend Section 27-29-2 of the Code of Alabama relating to investments in subsidiaries and affiliates of domestic insurers.

Insurance.

By Rep. Drinkard:

H. 554. To amend Section 38-4-1 of the Code of Alabama 1975 which relates to persons to whom public assistance is payable by deleting the 18 year age limitation for aid to the permanently and totally disabled.

Ways and Means.

By Rep. Stout:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act

Local Government.

By Rep. Cates:

H. 556. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Ways and Means.

By Reps. Boles, Gafford, Waggoner, Cheatwood, Olive and Trammell (With Notice and Proof):

H. 557. To provide cost-of-living adjustments in pension, retirement allowance, and/or retirement benefit payments paid to and received by retired firemen or policemen, or widows or dependents or other beneficiaries thereof, pursuant to any pension and/or relief and/or retirement system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Alabama Acts 1951, p. 1579), as amended, or pursuant to any supplemental pension and/or relief and/or retirement system established under Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Alabama Acts 1959, p. 1376), as amended, or pursuant to any pension and/or relief and/or retirement system established under Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 (Alabama Acts 1955, p. 1067), as amended.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 557, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kelley:

H. 558. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interest on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

State Administration.

By Rep. Smith (J):

H. 559. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Letson (With Notice and Proof):

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and exercise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 560, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McMillan:

H. 562. To exempt from the payment of all state, county and municipal sales and use tax wood residue used for fuel, in order to meet the energy crisis by the most feasible ecological means.

Ways and Means.

By Rep. McMillan:

H. 563. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

Judiciary.

By Rep. McMillan (With Notice and Proof):

H. 564. Relating to Mobile County; to amend Act No. 1150, H. 1243, 1975 Regular Session (Acts 1975, p. 2274), so as to increase the membership of the Mobile County Board of School Commissioners.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

Local Legislation No.1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 565, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes:

H. 566. To propose an amendment to the Constitution of Alabama to authorize the governing body of the City of Montgomery to raise the salaries of its members one time only during their current terms of office.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Ray (With Notice and Proof):

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 568. To provide for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in private education; to provide for the methods and procedures to calculate the members' contributions required to purchase such credit and conditions for eligibility; and to provide that the members shall pay the total cost for such credit.

Ways and Means.

By Reps. Moore and Smith (C) (With Notice and Proof):

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 569, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Holmes, Wyatt, Pegues, Waggoner, Reed and Sasser:

H. 570. To provide annual expense allowances to constitutional officers of the state in an amount so that the total fees, salaries, commissions and allowances paid to each constitutional officer shall not be less than \$35,000 annually.

Ways and Means.

By Rep. Owens

H. 571. The purpose of this bill is to provide for an unconditional cost-of-living salary increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revisions of pay rates by the State Personnel Director and by the Administrative Director of Courts; and to appropriate such additional funds as may be necessary to pay such increase.

Ways and Means.

By Rep. Owens:

H. 572. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

Ways and Means.

By Rep. Owens:

H. 573. To divide the counties composing the Fourth Judicial Circuit so as to create a Fortieth Judicial Circuit consisting of Bibb, Hale, and Perry Counties, to abolish one position of district judge in the new circuit and to create the offices of circuit judge and district attorney in such circuit and to provide for the method to fill such offices; to provide further for salary supplements and expense allowances for certain offices; for these purposes, to amend § 12-11-2, Code of Alabama 1975; and to make an appropriation for operation of the new circuit.

Ways and Means.

By Rep. Owens:

H. 574. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices or exclusively by trucks designed specifically for the transportation and mixing of concrete shall be exempt from those provisions of the Motor Carrier Act which provide for the filling of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Commerce and Transportation.

By Rep. Amari (With Notice and Proof):

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 575, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (M), Starkey, Greer, Goodwin, Holmes, Coburn, Carter, Naramore, Kelley, Roberts, Letson, Patton, Cooley, Harvey, Stout, Pegues, Cosby, Warren, Holley, Cates, Venable, Carothers, Williams, Smith (J), Bennett, Boles, Gilmer, Waggoner, Lewis, Moore, Albright, Hilliard, Owens, Zoghby, Kennedy, Turnham, Grimsley, Whatley, Minus, Hall, Shoemaker, Johnson (R. G.), Mitchell and Horn:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Ways and Means.

By Reps. Smith (M), Holmes, Starkey, Greer, Goodwin, Whatley, Carter, Naramore, Kelley, Roberts, Patton, Letson, Cooley, Harvey, Stout, Shavers, Pegues, Grimsley, Cosby, Sasser, Holley, Carothers, Williams, Smith (J), Bennett, Gilmer, Waggoner, Lewis, Moore, Albright, Owens, Zoghby, Kennedy, Turnham, Shoemaker, Johnson (R. G.), Minus, Hall, Mitchell and Horn:

H. 577. To prescribe that it is unlawful for any person to knowingly permit his automobile or other motor vehicle, or to park or cause to be parked any unattended automobile or other motor vehicle on state property; to authorize capitol security police officers and other authorized persons to remove, tow or impound any such motor vehicle; to provide for certain prima facie presumptions against the registered owner of the motor vehicle; and to provide penalties for violations of the provisions of this act in the same manner as prescribed in Section 32-5-312 of the Code of Alabama 1975.

State Administration.

By Reps. Stout, Hall, Cooley, Cobb, Starkey, McMillan, Greer, Goodwin, Brakefield, Bowling, Letson, Rains, Penry and Shavers:

H. 578. To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

Ways and Means.

By Reps. Cooley and Bowling:

H. 579. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Cullman County and to provide for the appointment of such additional district judge.

Ways and Means.

By Reps. Albright and Smith (M):

H. 580. To prohibit the use of devices on motor vehicles to detect presence of radar upon highways or operation of motor vehicles so equipped or sale of such devices.

Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Also:

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Also:

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the

county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Also:

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Also:

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Also:

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Also:

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

Also:

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Also:

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Dial:

H. R. 57. COMMENDING MR. PHILIP CORNELISON ON HIS MERITORIOUS CAREER WITH THE U.S. DEPARTMENT OF AGRICULTURE.

Also:

By Reps. Goodwin and Coburn:

H. R. 58. CONGRATULATING COLBERT COUNTY HIGH SCHOOL ON THEIR STATE 3A FOOTBALL CO-CHAMPIONSHIP FOR 1979.

BILLS ON THIRD READING

And the bill:

H. 257. (With Amendment): Relating to Washington County; providing for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in private education; providing for the methods and procedures to calculate the members contributions required to purchase such credit and conditions for eligibility; and providing that the members shall pay the total cost for such credit.

Which was postponed on the third legislative day, was taken up.

H. 257 INDEFINITELY POSTPONED

On motion of Rep. Turner, the bill, H. 257 with pending amendment, was indefinitely postponed.

And the bill:

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Clark, Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Manley, Minus, Naramore, Olive, Owens, Patton, Ray, Roberts, Smith (C), Stewart, Turner, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Clark, Cobb, Cooley, Crow, Dial, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (Roy), Kelley, Laird, Letson, McKee, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Venable, Warren, Whatley, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Clark, Cobb, Cooley, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harvey, Holley, Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Venable, Warren, Whatley, Williams, Willis and Wyatt.

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And the bill:

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Reed, the motion offered by Rep. Ward to postpone consideration of the bill, S. 132, to the eighth legislative day, was tabled.

Yeas 32; Nays 21.

Yeas:

Reps.: Barton, Bedsole, Boles, Bowling, Buskey, Clark, Cobb, Coburn, Cooley, Daniels, Dial, Dixon, Gafford, Greer, Harrison, Hilliard, Horn, Kennedy, Manley, Minus, Patton, Payne, Reed, Roberts, Sasser, Seibels, Shavers, Smith (M), Stout, Waggoner, Williams and Zoghby.

—32

Nays:

Reps.: Adams (C), Blake, Brakefield, Cheatwood, Cosby, Crow, Gilmer, Harper (O), McKee, Nevett, Olive, Parker, Pegues, Penry, Rains, Ray, Riddick, Smith (C), Venable, Ward and Willis.

—21

MOTION TO POSTPONE TABLED

On motion of Rep. Reed, the motion offered by Rep. Laird to postpone consideration of the bill, S. 132, to the tenth legislative day, was tabled.

Yeas 28; Nays 19.

Yeas:

Reps.: Barton, Bedsole, Buskey, Campbell, Clark, Cobb, Cooley, Daniels, Gafford, Gilmer, Greer, Harrison, Harvey, Hilliard, Holmes, Horn, Kennedy, Langford, Manley, Minus, Patton, Rains, Roberts, Sasser, Seibels, Smith (M), Williams and Zoghby.

—28

Nays:

Reps.: Adams (C), Albright, Blake, Brakefield, Cosby, Crow, Hall, Harper (O), Laird, McKee, Nevett, Olive, Parker, Payne, Pegues, Riddick, Smith (C), Venable and Ward.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 123. Relating to Sumter County; to amend sections 5 and 6 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, page 187) which relate to meeting dates and per diem pay of the members of the county commission, so as to further provide for such meeting dates and per diem pay.

Also:

H. 124. To regulate further the fees for recording documents affecting the title to real property in Sumter County; and to provide for the disposition of said fees.

Also:

H. 126. Relating to Sumter County; authorizing at the sole discretion of the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, and sheriff of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize at the sole discretion of the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials, and at the sole discretion of the county commission to discontinue payment of such salaries.

Also:

H. 127. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances.

Also:

H. 128. Relating to Sumter County; to provide further for costs and charges in criminal and civil proceedings in any district, circuit, or small claims court in the county.

Also:

H. 129. To regulate further the fees for recording a marriage license issued in Sumter County; and to provide for the disposition of said fees.

Also:

H. 177. Relating to Bibb County; amending Section 1 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, p. 2327), so as to provide further for the election of the members of the county governing body, requiring that each be elected by the qualified electors residing only within his district; and providing the provisions of this act will become effective upon approval by a majority of the qualified voters in a referendum called for that purpose.

Also:

H. 220. Relating to Calhoun County; to provide for a referendum election to consider the question of whether the county should construct a new county courthouse or renovate and expand the existing courthouse and finance all or part of such construction by the levy of new taxes by the county commission; and to provide for the authority of the county commission to levy additional taxes and issue bonds to finance a new county courthouse or to renovate and expand the existing courthouse in the event the referendum vote is affirmative.

Also:

H. 130. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Sumter County.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 132 RESUMED

And the bill, S. 132, was read a third time at length and passed.

Yeas 26; Nays 21.

Yeas:

Reps.: Barton, Bedsole, Bowling, Buskey, Cobb, Cooley, Daniels, Dial, Dixon, Gilmer, Harrison, Harvey, Hilliard, Holmes, Horn, Kennedy, Langford, Minus, Patton, Roberts, Seibels, Shavers, Smith (M), Stout, Williams and Zoghby.

Nays:

Reps.: Adams (C), Blake, Brakefield, Cheatwood, Gafford, Grimsley, Harper (O), Laird, Lewis, McKee, Nevett, Olive, Parker, Payne, Penry, Ray, Riddick, Sasser, Smith (C), Venable and Ward.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Rep. Cabaniss offered the motion to reconsider the vote by which the rules were not suspended to take up for immediate consideration the resolution, H. R. 56, and the motion to reconsider was lost.

Yeas 37; Nays 38.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Cabaniss, Campbell, Carter, Clark, Cosby, Dial, Dixon, Edwards, Gilmer, Hall, Hammett, Hilliard, Holley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Parker, Payne, Penry, Ray, Sasser, Seibels, Smith (C), Stewart, Waggoner, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Amari, Bennett, Blake, Bowling Brakefield, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Drinkard, Goodwin, Greer, Grimsley, Harper (O), Harrison, Harvey, Holmes, Howard, Johnson (Roy), Langford, Letson, Moore, Naramore, Nevett, Olive, Patton, Rains, Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Venable and Wyatt.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 1:00 o'clock p.m., Tuesday, February 26, 1980, was lost.

Yeas 21; Nays 40.

Yeas:

Reps.: Campbell, Cheatwood, Clark, Cooley, Goodwin, Greer, Hilliard, Horn, Howard, Johnson (Roy), Langford, Manley, Minus, Nevett, Patton, Shavers, Stout, Turner, Whatley, Williams and Wyatt.

—21

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Blake, Cabaniss, Carter, Cates, Cobb, Crow, Dial, Dixon, Drinkard, Gafford,

Gilmer, Grouby, Hall, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Mitchell, Moore, Naramore, Owens, Pegues, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Venable, Waggoner and Warren.

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RESOLUTION

The following resolution was introduced:

By Rep. Carter:

H. J. R. 59. COMMENDING MRS. MADELINE McDANIEL KENNEDY.

WHEREAS, Mrs. Madeline McDaniel Kennedy has been lifelong friend of Athens College, having attended the institution as a young girl; and

WHEREAS, the McDaniel name is held in high esteem in the Athens community where her father served the college and the citizenry as a dentist; and

WHEREAS, Mrs. Kennedy and her husband, the late Dr. Berthold S. Kennedy, have been benefactors of Athens College through the years; and

WHEREAS, Madeline McDaniel Kennedy has recently contributed a gift to retire the more than \$55,000 indebtedness on the Sandridge Student Center at Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expresses its appreciation to and bestows its commendation upon Mrs. Madeline McDaniel Kennedy for her concern for and generosity toward Athens State College.

BE IT FURTHER RESOLVED, That the legislature recommends to Athens State College that suitable recognition be given to the McDaniel-Kennedy family.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Kennedy in token of our deep appreciation and of our warm praise of her benevolence.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 59, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 270. To amend Code of Alabama 1975, §41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property.

Which was postponed on the fifth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Riddick offered the following substitute to the bill, H. 270:

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1975, §41-15-1 to authorize city and county boards of education or district boards of education of independent school districts and institutions of higher education to insure school buildings and property either in the state insurance fund or in an insurance company, whichever in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, §41-15-1 is amended to read as follows:

"§41-15-1. Creation; purpose. There shall be a fund, to be known as the state insurance fund, carried by the state treasurer for the purpose of insuring loss by fire, lightning, windstorm and hail or fire and all the perils included under extended coverage on buildings in which title in whole or in part is vested in the state of Alabama or any of its agencies or institutions or in which funds provided by the state have been used for the purchase of land, construction of the building, purchase or maintenance of any equipment, furniture, fixtures or supplies in such buildings and public school buildings together with the contents of all such buildings; provided, that this section shall neither repeal nor in any manner effect the provisions of any legal act of the legislature or any general act of local application authorizing authorize city or county boards of education or district boards of education of independent school districts and institutions of higher education to insure school buildings and property either in the state insurance fund or in an insurance company, whichever in the opinion of such board or institution provides the best coverage for such school buildings and property. In the event a board of education or institution elects to purchase coverage from a private insurance company, said board of education or institution shall be required to maintain an adequate amount of insurance protection on buildings and contents. Said protection may be provided in the form of blanket policies covering to a reasonable and adequate extent the property owned by the board of education or institution of higher education."

Section 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Goodwin, Greer, Hall, Harper (O), Harvey, Hines, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Parker, Patton, Pegues, Rains, Shavers, Shoemaker, Smith (J), Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

H. 270 TEMPORARILY POSTPONED

On motion of Rep. Riddick, the bill, H. 270 as amended, was temporarily postponed.

COMMITTEE APPOINTED

Pursuant to the resolution, H. J. R. 12, heretofore adopted, the Speaker appointed Reps. Campbell, Cates, Manley, Smith (J), and Starkey as the committee on the Joint Committee to investigate the alleged funding improprieties, investment inadequacies and other fiscal discrepancies in higher education.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:55 P.M. on February 21, 1980.

H. J. R. 29 H. 123 H. 126 H. 128 H. 177.

H. J. R. 49 H. 124 H. 127 H. 129 H. 220

Delivered to the Secretary of State at 1:45 P.M. on February 21, 1980.

H. 130 (Constitutional Amendment).

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Minus and pursuant to the resolution, H. R. 50, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 26, 1980.

Yeas 43; Nays 33.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Edwards, Goodwin, Grimsley, Harper (O), Harrison, Holley, Horn, Johnson (Roy), Kennedy, Langford, Manley, Minus, Nevett, Parker, Patton, Pegues, Roberts, Sandusky, Sasser, Shoemaker, Starkey, Trammell, Tucker, Turner, Waggoner, Williams, Willis and Wyatt.

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Nays:

Reps.: Albright, Amari, Barton, Blake, Cabaniss, Carothers, Carter, Dial, Dixon, Drinkard, Greer, Grouby, Hall, Hammett, Johnson (R G), Letson, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Payne, Ray, Seibels, Smith (C), Smith (M), Stewart, Turnham, Venable, Warren and Zoghby.

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SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 26, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Al Finch, Pastor, First Baptist Church, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 51. JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS, REPORTING TIME EXTENDED.

Also:

H. J. R. 52. MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

Also:

H. J. R. 53. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

Also:

H. J. R. 54. COMMENDING A&M UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUSTANDING PERFORMANCE.

Also:

H. J. R. 59. COMMENDING MRS. MADELINE McDANIEL KENNEDY.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 60. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Tuesday, February 26, 1980, we adjourn to meet again on Thursday, February 28, 1980, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 60, was adopted.

Also:

By Rep. Gafford:

H. J. R. 61. REQUESTING THE SECRETARY OF STATE TO STOP INTERFERING WITH THE CONDUCT OF PARTY PRIMARY ELECTIONS IN THIS STATE.

WHEREAS, the conduct of party primary elections in this state are governed first by the laws of this state and second by rules and decisions of the political parties affected; and

WHEREAS, it is neither the function of the office of the secretary of state to pass laws or to interfere with the rights and privileges of the political parties of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the secretary of state is hereby respectfully requested and instructed to tend to the affairs of his office and leave the conduct of party primary elections to be conducted under the laws of this state and the rules of the political parties affected.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

By Reps. Clark, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby:

H. J. R. 62. EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

WHEREAS, the Legislature of Alabama joins with all America in wholeheartedly and proudly congratulating the United States Hockey Team for its remarkable feat in capturing the Olympic Gold during the 1980 Winter Olympics at Lake Placid; and

WHEREAS, this young American team, which had only played as a team since last September, came from behind time and again, first to tie, then to defeat much older and more professional teams, winning the gold medal for the United States for only the second time in the history of the Olympics and for the first time in two decades; and

WHEREAS, going into the games, perhaps no one, including players and coach, dared hope to finish even as high as third, but these twenty young men, once on the ice, played as if inspired to win not only the gold, but a lasting place in the hearts of their countrymen; and

WHEREAS, though each win was to be a feat more brilliant than the last, America's emotions reached fever pitch on the night of February 22, coincidentally the birth date of the Father of Our Country; in combat with the seasoned Soviets, the Americans battled as fierce proud patriots to a triumphant victory over a stunned and humbled Russian team; and

WHEREAS, the jubilant reaction to that Soviet defeat was totally unrestrained, a boundless joy to be only matched, and even then in a different way, by the American rout of Finland, 4-2, to finally claim the coveted gold medal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, of one heart, we express our deep pride and joy in each and every member of the United States Hockey Team; we stand in tribute to their courage, in gratitude for their skill and perseverance, and in humble appreciation of extraordinary accomplishment.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Herb Brooks and to each member of the team that they may be aware of our deep and sincere praise tendered in behalf of the entire State of Alabama.

On motion of Rep. Clark, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Turnham, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 63. HONORING RICH VALAVICIUS OF AUBURN UNIVERSITY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 132. To provide for and create the Macon County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to grant the county governing body certain authority and to impose certain responsibilities relative to the operation and control of greyhound racing; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county; to place restriction on ownership and provide for coverage under the Ethics Law.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Cosby:

H. J. R. 64. URGING THE UNITED STATES CONGRESS TO REVISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN OF "TAXFLATION."

WHEREAS, the federal government continues to spend more of the taxpayers' money than is received; and

WHEREAS, the citizens of the United States are facing an economic recession because of the actions of the United States Congress; and

WHEREAS, the citizens of the United States are willing to be free and independent of government programs, especially those which benefit the minority of United States citizens at the expense of the majority; and

WHEREAS, millions of American families are being pushed into higher tax brackets by pay raises which do not keep up with the cost of living; and

WHEREAS, the above process is called "taxflation" and taxflation hits all income levels and provides the United States Treasury with more than \$1 billion in new revenues for each percentage point of inflation; and

WHEREAS, this process of taxflation is a windfall profit to the United States Treasury which causes the government to spend more money while at the same time penalizing people for hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call on the Congress of the United States to immediately rectify this most unfair situation and thereby relieve the citizenry of the overburden of taxflation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Congressional Delegation in Washington, D. C., with a copy also provided for each member of said Delegation.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 64, was adopted.

H. 91 RECOMMITTED

No objection being offered, the Speaker recommitted the bill, H. 91, to the Standing Committee on Local Government.

BILLS ON SECOND READING

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 459. (With Substitute) (With Amendment): To amend Code of Alabama 1975 Sections 5-19-3 and 5-19-31 which relate to the regulation of extensions of credit so as to provide further for the maximum finance charges and the manner of their calculation; to provide for the manner of repayment and the payment of certain advance charges on loans involving an interest in real estate; further to provide that the rates and authority granted herein are in addition to and not in lieu of any other rates or exemptions authorized by law; and to provide in Section 5-19-31 that subdivision (1) rather than subsection (a) of Section 5-19-1 applies to certain loans.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 460. To repeal Section 8-8-1.2 governing the maximum rate of interest to be charged by savings and loan associations or loans secured by savings accounts.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is delighted to note the prime consideration of Murphy Hill in Marshall County, Alabama, as the location of a coal gasification plant proposed as a national energy demonstration project to prove the practicability of converting coal to gas as a means of alleviating our nation's energy crisis; and

WHEREAS, TVA board members, Chairman S. David Freeman, Richard Freeman and Bob Clements, are to be most highly commended for their efforts in establishing such a facility during a time of absolute necessity for the United States to develop its domestic energy resources and eliminate our dependency on foreign oil; and

WHEREAS, Alabama Congressman Tom Bevill has been instrumental in the promotion of coal-to-gas conversion and shares the commendable foresight of the TVA Board and other officials in realizing the advantage of establishing this project at a site so strategically located to existing industrial gas markets, water and coal; and

WHEREAS, with energy self-sufficiency as its primary goal, the Murphy Hill Site would also prove to have a tremendous economic impact on Marshall County and all of Alabama; the estimated \$2 billion plant would employ some 2000 workers during construction, an estimated 300 to 500 during operation and would have the resultant benefit of an influx of other industries seeking to take advantage of the site's product; and

WHEREAS, both in the best interest of our nation and the economic well-being of our state, the Alabama Legislature pledges its full support of the Murphy Hill Site project, from inception to completion, and dedicates its interest and efforts toward the realization of such a vital facility, with continuing assistance in every possible way during actual operation of the plant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously express our appreciation for TVA efforts to establish the Murphy Hill Site project in Alabama; we further restate our full support and cooperation to TVA Board Chairman S. David Freeman, board members Richard Freeman and Bob Clements, and to Congressman Tom Bevill to whom copies of this resolution shall be sent.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 37, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Weeks:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

Also:

By Messrs. Smith, McDonald, and Lemaster:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 41 and S. J. R. 42, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Weeks, White, Kirkland and Goodwin:

S. J. R. 40. DIRECTING THE CAPITOL RESTORATION STEERING COMMITTEE TO RESCIND ITS APPROVAL OF CERTAIN MATERIALS SCHEDULED FOR USE IN THE RESTORATION AND REPAIR OF OUR STATE CAPITOL.

WHEREAS, it recently has come to the attention of the Alabama Legislature that certain materials have been approved for use in the restoration and repair of our State Capitol that are totally incongruous in point of original time of construction; and

WHEREAS, more specifically, we have been apprised that current plans call for the use of aluminum framed windows in lieu of wood framing which, of course, was originally used; and

WHEREAS, Alabama's Capitol is an historical landmark of such eminence as to mandate its restoration as close to primary form as is humanly possible; and

WHEREAS, it is inconceivable to the members of this Legislature that the Capitol Restoration Steering Committee would approve the replacement of our Capitol's wood framed windows with a material such as aluminum, a product of such recent vintage as to be tantamount to anachronism; long lasting woods are available and should be used to preserve the originality of a building which is a monument to our heritage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Capitol Restoration Steering Committee is hereby directed to review its specification approvals for the Capitol's restoration for the purpose of changing said specifications to call for the use of original materials, if available, in all work that is done.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the above named committee that, as a body, they may take immediate steps to comply with this directive.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 40, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Miller, Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

WHEREAS, Savilla Katherine Thompson Simmons, known to all as "Miss Kate", has rendered fifty-one years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Miss Kate has faithfully served every governor since Governor Bibb Graves in 1930; and

WHEREAS, her retirement on January 31, 1980 marked the end of an illustrious career as Alabama's No. 1 public servant; and

WHEREAS, her presence will be sorely missed by everyone who has known and worked with her over the years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama hereby expresses our most heartfelt appreciation to Mrs. Kate Simmons for the decades of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, that the desk and typewriter which Miss Kate used during her tenure as Recording Secretary to the Governor's Office be presented to Miss Kate as a token of appreciation and esteem from the people of Alabama and in recognition of a job well done.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 39, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Harrison and Barron:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the Paramount Theatre in our capital city of Montgomery, Alabama, is hereby designated as the "State Theatre for the Performing Arts."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McKee, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 12, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 38 NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75th ANNIVERSARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Gullledge:

S. J. R. 33. MOURNING THE DEATH OF MR. E. FRANK SANDERS, PROMINENT SOUTH BALDWIN COUNTY BANKER AND CIVIC LEADER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 33, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. St. John, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHES, LOUISIANA.

WHEREAS, it was with a sense of shock and deep sorrow that the Legislature of Alabama learned of the tragic, accidental death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, on February 13, 1980; and

WHEREAS, Mr. Martin was the father-in-law of our good friend, Senator Dutch Higginbotham, the father of his wife, Betty, whom we also hold in deep affection and with whom we so deeply grieve; and

WHEREAS, though helpless at such a time, we do indeed share this personal tragedy in the lives of Dutch and Betty Higginbotham and we express our most heartfelt sympathy not only to them but to all members of Mr. Martin's family as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Mr. Leo Martin, Sr., of Natchitoches, Louisiana, and direct that copies of this resolution be sent to his family as evidence of our shared sorrow and deep regret in their great loss.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 30, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Smith, Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

WHEREAS, since 1975, Rex McDowell has worked in close association with members of the Alabama Legislature, first serving from 1975 until 1978 as House Fiscal Officer; from 1978 until the present he has served with distinction and utmost competence as Director of the Legislative Fiscal Office, a position of tremendous responsibility and accountability, as well; and

WHEREAS, a graduate of A. G. Parrish High School in Selma, Alabama, Mr. McDowell is a graduate also of the University of Alabama with a B.A. Degree in Public Administration and a Master's Degree in Business Administration; thus by education and through experience, he was eminently qualified for the directorship he now holds and in which office he has indeed exhibited extraordinary ability; and

WHEREAS, Rex McDowell's leadership qualities are further discernible through his involvement in numerous of the civic and charitable affairs of his community; he is a member of the Capital City Rotary Club and serves on the Board of Directors of both the Young Men's Business Club and the American Cancer Society; and

WHEREAS, effective February 19, 1980, Mr. McDowell regrettably has tendered his resignation as Director of the Legislative Fiscal Office; we are pleased for him, however, as he is leaving to accept a commission with the nationally prestigious firm of Price-Waterhouse, Inc., in Washington, D. C.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Rex McDowell for outstanding service to the Legislature and to the State of Alabama; we further wish him well in his new career and in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. McDowell be presented with a copy of this resolution, in token of friendship, in deep appreciation and esteem.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 32, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. White, Mitchem, Taylor, Glass, Harrison, Denton, Pearson, Miller, Parson, Keener, Britnell, Kirkland, Hall, Goodwin, Lemaster, Little, Martin, deGraffenried, McDoanld, Proctor, Higginbotham, Teague, Bailey, Vacca, and Weeks:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

WHEREAS, the State of Alabama in its efforts to provide care for the elderly and disabled has been forced into an impossible position by unrealistic Federal guidelines; and

WHEREAS, the Legislature and the people of Alabama have always supported care for our elderly and disabled; and

WHEREAS, the federal government has not modified its unrealistic guidelines to facilitate Alabama's efforts to provide care for its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does announce the support of a program to determine, by state guidelines, those elderly and disabled in need of state assistance, and does further pledge its support for additional taxes if necessary to fund programs developed and controlled by Alabama guidelines.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 35, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Callahan, Gullledge, and Martin:

S. J. R. 43. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA'S BASKETBALL TEAM, AND COACH CLIFF ELLIS, FOR WINNING THE SUN BELT CONFERENCE CHAMPIONSHIP FOR THE SECOND YEAR IN A ROW.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Holmes (With Notice and Proof):

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 207 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 207. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 177. To amend, in implementation of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979, Section 40-8-1 of the Code of Alabama 1975; to define the classes of taxable property subject to ad valorem taxation by the State of Alabama and by all counties, municipalities or other taxing authorities therein, under authority of Article XI, Section 217 of the Constitution of Alabama of 1901, as amended; to redefine residential property; to prohibit retrospective or retroactive application of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979 with respect to any ad valorem tax accrued prior to October 1, 1979, thus prohibiting the refund of any such tax, or portion thereof; to provide an effective date for the act; and to provide that the provisions of this act shall apply to any taxes accruing after October 1, 1979.

Also:

By Mr. Figures:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Also:

By Mr. deGraffenried:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Also:

By Mr. deGraffenried:

S. 74. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Also:

By Messrs. Higginbotham and Little:

S. 75. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 177. Ways and Means.
- S. 4. State Administration.
- S. 73. Business and Labor.
- S. 74. Judiciary.
- S. 75. Ways and Means.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 581. To prescribe the authority and powers of Attorney General's Investigators.

Judiciary.

By Rep. Gafford:

H. 582. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

State Administration.

By Reps. Holley and Ray (With Notice and Proof):

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton:

H. 584. To provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Judiciary.

By Reps. Sasser, Grimsley and Ray (With Notice and Proof):

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 585, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carothers:

H. 586. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

State Administration.

By Reps. Roberts and Carter:

H. 587. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this act; and to repeal specifically Article 4 of Title 13A of the Code of Alabama 1975 relating to fireworks.

Ways and Means.

By Reps. Bennett and Amari:

H. 588. To amend Sections 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

Judiciary.

By Reps. Bennett, Dixon, Lewis and Waggoner:

H. 589. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Education.

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Health.

By Reps. Pegues, Carothers, Bedsole and Holley:

H. 591. This bill provides that the designated state medicaid agency shall set levels of medicaid participation based upon recipients' and/or their immediate families' ability to pay.

Health.

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 592. To prohibit the Alabama Medicaid Program from reimbursing any provider of service for medicare deductible and/or coinsurance amounts for services not authorized by or exceeding the limitations established under the state plan for medical assistance.

Health.

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.), and Holley:

H. 593. To provide for the designated state medicaid agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Health.

By Reps. Pegues, Carothers, Bedsole and Holley:

H. 594. A moratorium is established under the Alabama Medicaid Program on the admission to a nursing facility of any patient classified as requiring intermediate level nursing care and the intermediate care nursing service shall be discontinued under the Alabama Medicaid Program upon the discharge of all current medicaid recipients or at the end of a two year period whichever occurs first.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

Health.

By Reps. Pegues, Carothers, Bedsole, Johnson (R. G.) and Holley:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 599. This bill provides that the designated state medicaid agency shall have the sole responsibility for establishing, regulating, monitoring and administering medicaid eligibility in the State of Alabama. Only the blind, disabled, and aged shall be eligible for benefits under the Alabama Medicaid Program.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

Health.

By Reps. Pegues, Carothers, Bedsole, Holley and Johnson (R. G.):

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

Health.

By Reps. Pegues, Carothers and Johnson (R. G.):

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the personal resources of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Health.

By Rep. Cobb (With Notice and Proof):

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cobb and Carothers:

H. 604. To amend Section 36-22-40 of the Code of Alabama 1975 relating to the sheriffs' retirement system so as to further provide for eligibility.

Ways and Means.

By Rep. Willis:

H. 605. To amend section 40-9-21 of the Code of Alabama 1975 relating to an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older so as to prescribe the amount of acreage allowed for such exemption.

Ways and Means.

By Rep. Kelley:

H. 606. To amend Section 4-113 of Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384), which is an act to implement the judicial article of the Constitution of Alabama, so as to provide for an additional district judge for the district court of Marshall County and providing for the initial appointment of such judge.

Ways and Means.

By Rep. Greer:

H. 607. To provide that the victim of a crime shall have a civil judgment entered on all issues of fact determined in a criminal trial.

Judiciary.

By Rep. Greer:

H. 608. To amend Section 40-6-1 which pertains to supernumerary tax collectors, tax assessors and license commissioners, so as to authorize credit for time served as a chief deputy sheriff.

Ways and Means.

By Reps. Daniels, Cates, Wyatt, Edwards, Manley and Williams:

H. 609. To amend Section 12-16-34, Code of Alabama 1975, which provides for the compensation of members of the jury commissions, so as to increase said compensation.

Ways and Means.

By Reps. Daniels, Holley and Johnson (Roy):

H. 610. To establish the purpose and procedures for the distribution and use of the Funds to Replace Fees provided in the annual appropriation of money from the Alabama Special Educational Trust Fund. Further, to state the legislature's intent to eliminate required fees, to regulate remaining fees, and to permit voluntary fund-raising activities.

Ways and Means.

By Rep. Rains:

H. 611. To provide that the rate of pay for all substitute teachers and support personnel in the public school systems in the State of Alabama shall be not less than twenty-five dollars (\$25.00) per day for each full school day and such teacher or support person is employed.

Ways and Means.

By Rep. Smith (J):

H. 612. To authorize county governing bodies to grant the tax assessor authority to assess taxes from October 1 to September 30 of each tax year.

Judiciary.

By Rep. Smith (J):

H. 613. To make child support payments and visitation rights awarded in a divorce action mutually dependent; and to provide that the willful failure to make support payments or allow visitation privileges by one parent shall result in the suspension of the corresponding obligation or right on the part of the other parent for the period of such failure.

Judiciary.

By Rep. Lewis:

H. 614. To amend Section 40-12-258, Code of Alabama 1975, which relates to the payment of registration fees on motor vehicles, the placement of license tags on vehicles, and the issuance of receipts in triplicate for said tags, so as to provide for a daily penalty after a certain time interval when the judge of probate or county license commissioner or county revenue commissioner is delinquent in remitting one copy of the receipt to the department of revenue.

State Administration.

By Reps. Dixon, McKee and Grouby:

H. 615. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provides for periodic review by the Department of Pensions and Security.

State Administration.

By Reps. Amari, Bennett, Cooley, Clark, Campbell, Wyatt, Smith (J), Smith (M) and Waggoner:

H. 616. To amend Section 36-25-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

Ways and Means.

By Reps. Cates, Venable, Hammett, Ray, Hines, Daniels, Grouby, Turnham, Wyatt, Owens, Edwards, Clark, Willis, Crow, Manley, Dial, Shoemaker, Johnson (R. G.), Adams (C), Minus, Campbell, Warren, Williams, Grimsley, Reed, Seibels, Pegues, Blake, Harper (O), Rains, Cooley, Stout, Shavers, Carter, Brakefield, Patton, Letson, Harvey, Roberts, Holley, Smith (C), Gilmer, Goodwin, Greer, Starkey, Cobb, Sasser, Whatley, Laird and Penry:

H. 617. To amend Section 40-3-7, of the Code of Alabama 1975, relating to the compensation to be paid members of the various boards of equilization of the counties so as to raise the per diem pay of the members of certain boards.

Ways and Means.

By Rep. McKee:

H. 618. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures & seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, negotiable instruments, or any other property in the list of things being subject to forfeiture if used or intended to be used in the sale or receipt of controlled substances.

Judiciary.

By Rep. McKee:

H. 619. To prohibit the possession or carrying of firearms in any building where alcoholic beverages are sold or at any such premises which is licensed for such purposes by any agency of the State of Alabama or any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Judiciary.

By Reps. McKee and Wyatt:

H. 620. Relating to the Fifteenth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies or upon appeals to the circuit courts from lower courts.

Local Legislation No. 4.

By Reps. McKee and Holmes:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

Local Legislation No. 4.

By Rep. Venable:

H. 622. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

Constitution and Elections.

By Rep. Cabaniss:

H. 623. To provide that no school employee or school employee organization shall participate in a strike against a public school employer and to provide penalties therefor.

State Administration.

By Rep. Hines:

H. 624. To amend section 14-8-6, Code of Alabama 1975, so as to provide further for the disposition of earnings of prison inmates under the work release program.

State Administration.

By Rep. Hines:

H. 625. To amend section 32-6-50 of the Code of Alabama 1975, relating to license tags or plates so as to authorize the transfer of any appropriations made for the Board of Corrections for the production of revalidation tags and license plates, be made directly to the Board of Corrections.

Ways and Means.

By Rep. Hines:

H. 626. To authorize the creation and operation of Restitution Centers by the Board of Corrections.

Ways and Means.

By Rep. Hines:

H. 627. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence given in other state penal systems.

Judiciary.

By Rep. Hines:

H. 628. To rename the board of corrections the department of corrections.

State Administration.

By Rep. Hines:

H. 629. To amend Section 14-1-8 of the Code of Alabama 1975 relating to the Powers of the Board of Corrections so as to empower the Board of

Corrections to grant Peace Officers of the Investigation and Inspection Division of such board specifically designated by the Commissioner of such board the right to exercise arrest authority on a state-wide basis.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. J. R. 65. WHEREAS Dean Fain A. Guthrie has made outstanding and unique contributions as the administrative leader of the professional education programs at The University of Alabama in Birmingham's School of Education from its creation, through its formative years, and into its maturation as a major influence among the institutions of higher education in the State of Alabama; and

WHEREAS Dean Guthrie has nurtured the development of collaborative, mutually supportive relationships and functional interaction with professional colleagues in public schools of the Greater Birmingham area as well as other areas in Alabama and has served as an effective spokesman for teacher education throughout the local statewide communities; and

WHEREAS Dean Guthrie served on numerous State Department of Education committees during periods of time in which critical decisions were made to redefine, redirect, and strengthen statewide teacher education programs and certification of teachers; and

WHEREAS Dean Guthrie has provided leadership in the State while serving as President of the Alabama Association of Colleges for Teacher Education and as a member of the Association's Executive Committee and as a member of statewide groups such as the committee to establish certification requirements for Alabama school counselors, the Steering Committee for Statewide Evaluation of Teacher Education Programs, and the committee to recommend licensure procedures for psychologists in Alabama; and

WHEREAS Dean Guthrie has facilitated development of strong bonds of communication and interest among the institutions of higher education, the State Department of Education and public school systems of Alabama; and

WHEREAS Dr. Guthrie is relinquishing the role of Dean of the School of Education to serve as Professor of Human Services Education at The University of Alabama in Birmingham: Therefore, be it

RESOLVED, That the Legislature of Alabama, both houses thereof concurring, hereby expresses to Dr. Fain A. Guthrie its deep appreciation and gratitude for his leadership and unselfish devotion to The University of Alabama in Birmingham and its School of Education and to public education in the State of Alabama, and herewith extends to him its best wishes for continuing success as Professor of Human Services Education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Guthrie in grateful acknowledgment.

The resolution, H. J. R. 65, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Smith (C), Turnham and Laird:

H. J. R. 66. REQUESTING THE BOARDS OF EDUCATION AND ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALABAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

WHEREAS, it is the consensus of the Alabama Legislature that a nation prepared is a nation strong; and

WHEREAS, the freedom we treasure today in these United States was secured by our forefathers who fought and died that there might be liberty for all and for all time; and

WHEREAS, if we are to remain a free nation it is vital that our armed forces be strengthened to such a degree that we may at all times be prepared to defend the freedom that is our legacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of the national defense of the United States of America and in furtherance of the best interest of the citizens of the State of Alabama, we hereby request that the Boards of Education, and the high schools in particular, of this great state cooperate and assist to the fullest possible extent with the Alabama National Guard and the various branches of the United States Armed Forces, including its reserve components, in making efforts to strengthen our military forces and, at the same time, provide the youth of Alabama with the opportunity of acquiring the education, training, skills and vocations available to military personnel.

BE IT FURTHER RESOLVED, That in furtherance of these objectives, that the Boards of Education and the high schools of this state shall:

1. Allow recruiter personnel to test those students who so desire to be tested and provide data back to the students and counselors so that wiser vocational choices may be made;

2. Provide recruiter personnel with lists of recent graduates and senior students so they may be located and made aware of opportunities in the military services; and

3. Provide time for interviews and conferences for those students who desire further information from recruiting personnel, so that individual counseling is possible and in depth views of available opportunities with the Department of Defense of our great nation are known.

RESOLVED FURTHER, That copies of this resolution be sent to all Boards of Education in Alabama with sufficient copies also provided said boards for distribution to all Alabama high schools.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 66, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Gilmer:

H. R. 67. HONORING MRS. MAMIE HILL, RETIRED EDUCATOR, OF VERNON, ALABAMA.

Also:

By Rep. Bennett:

H. R. 68. COMMENDING DEPUTY RONALD A. McGUFFIE FOR EXTRAORDINARY ACHIEVEMENT.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 51. Granting the Joint Interim Committee To Study Salaries and Related Matters an extension of time to make their final report to both houses of the Legislature.

Also:

H. J. R. 52. MOURNING THE DEATH OF FORMER REPRESENTATIVE H. H. O'DANIEL.

Also:

H. J. R. 53. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

Also:

H. J. R. 54. COMMENDING A&M UNIVERSITY QUARTERBACK CLEVELAND AUSTIN FOR OUTSTANDING PERFORMANCE.

Also:

H. J. R. 59. COMMENDING MRS. MADELINE McDANIEL KENNEDY.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 69. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Louis Green, Director of the Legislative Reference Service be immediately removed from office for systematically discriminating against blacks in employment.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holmes to suspend the rules and adopt the resolution, H. J. R. 69, was lost.

The resolution, H. J. R. 69, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES

Rep. Boles offered the motion to suspend the rules and take up out of order the bill, H. 345.

DIVISION OF THE QUESTION

Rep. Hilliard called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, H. 345, and the motion was lost, lacking a four-fifths vote.

Yeas 40; Nays 19.

Yeas:

Reps.: Adams (H), Albright, Amari, Bennett, Blake, Boles, Carter, Cheatwood, Cobb, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Holmes, Horn, Howard, Johnson (R. G.), Langford, Lewis, McKee, Penry, Rains, Ray, Reed, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Warren, Willis and Wyatt.

—40

Nays:

Reps.: Barton, Cabaniss, Campbell, Clark, Cosby, Gilmer, Hilliard, Manley, Minus, Parker, Patton, Payne, Pegues, Roberts, Sasser, Seibels, Shavers, Shoemaker and Zoghby.

—19

BILLS ON THIRD READING

And the bill:

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Clark, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Holmes, Horn, Laird, Langford, McKee, Manley, Mitchell, Pegues, Rains, Ray, Reed, Sasser, Shavers, Smith (J), Stewart, Stout, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Cabaniss, Carothers, Carter, Clark, Crow, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Langford, McKee, Manley, Mitchell, Payne, Penry, Rains, Ray, Reed, Sasser, Seibels, Shavers, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Williams, Willis and Wyatt.

—40

Nay: Rep. Riddick.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Clark, Cosby, Crow, Dial, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Kennedy, Laird, Langford, Letson, McKee, Manley, Mitchell, Rains, Ray, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Carter, Clark, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Parker, Ray, Roberts, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Harvey, Laird, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Parker, Ray, Reed, Roberts, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Laird, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Parker, Payne, Ray, Reed, Roberts, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

And the bill:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Which was postponed on the fifth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Cooley, Daniels, Dixon, Edwards, Ford, Gilmer, Goodwin, Greer, Hammett, Harper (O), Harvey, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Olive, Payne, Rains, Ray, Riddick, Roberts, Shavers, Smith (C), Smith (J), Stout, Trammell, Turnham, Venable, Ward, Whatley, Willis and Zoghby.

—46

Nays:

Reps.: Albright, Hilliard, Horn, Howard, Jackson, Langford and Reed.

—7

And the bill:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—83

And the bill:

H. 80. To amend sections 12-12-30 and 12-12-31, Code of Alabama 1975, relating to the jurisdiction of the district courts, so as to define further the jurisdictional amount of the district courts as not exceeding \$5,000.00, exclusive of attorneys' fees, interest and costs and the jurisdictional amount of the small claims docket of the district courts as not exceeding \$500.00, exclusive of attorneys' fees, interest and costs.

Was taken up.

AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, H. 80:

On page 1, line 23, strike the figure "\$500.00" and insert in lieu thereof the figure: \$1,000.00

On page 2, line 25, strike the figure "\$500.00" and insert in lieu thereof the figure \$1,000.00

MOTION TO TABLE LOST

The motion offered by Rep. Smith (J) to table the amendment offered by Rep. Letson to the bill, H. 80, was tabled.

Yeas 23; Nays 53.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Boles, Cates, Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Manley, Mitchell, Nevett, Olive, Seibels, Shavers, Smith (J), Turner, Waggoner, Wyatt and Zoghby.

—23

Nays:

Reps.: Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carter, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards,

Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Laird, McKee, Minus, Moore, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Warren, Whatley, Williams and Willis.

—53

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Letson to the bill, H. 80, and the amendment was adopted.

Yeas 56; Nays 12.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carter, Clark, Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, McKee, Minus, Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Warren, Whatley and Williams.

—56

Nays:

Reps.: Amari, Barton, Bennett, Hilliard, Jackson, Langford, Manley, Seibels, Shavers, Smith (J), Stout and Wyatt.

—12

And the bill:

H. 80. To amend sections 12-12-30 and 12-12-31, Code of Alabama 1975, relating to the jurisdiction of the district courts, so as to define further the jurisdictional amount of the district courts as not exceeding \$5,000.00, exclusive of attorneys' fees, interest and costs and the jurisdictional amount of the small claims docket of the district court as not exceeding \$1,000.00, exclusive of attorneys' fees, interest and costs.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 8.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

Nays:

Reps.: Amari, Barton, Bennett, Hilliard, Howard, Langford, Seibels and Shavers.

—8

And the bill:

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Section 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—77

Nay: Rep. Albright.

—1

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 70. COMMENDING GOVERNOR FOB JAMES.

WHEREAS, in two critical areas of state responsibility, Governor Fob James has both requested and received administrative leadership for the purposes of satisfying federal court directives regarding the Mental Health and Penal Systems of the State of Alabama; and

WHEREAS, the Alabama House of Representatives is exceedingly pleased that Governor James, in addition to the infinite duties of his elected office, is also willing to be held personally accountable to the courts for the awesome responsibilities of two of the largest agencies of our state; and

WHEREAS, further, in view of the urgency to comply with the dictates of the Federal Courts, this body would assume that Governor James has diligently applied himself toward seeking solutions to the problems of both the Mental Health Department and the Alabama Prison System; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we most respectfully request Governor James to submit a report to the Legislature as to the progress made toward implementing court orders regarding the Alabama Mental Health and Prison Systems and to also evaluate the progress that will be made in the proposed budget for both of these agencies during the Fiscal Year 1980-81.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched forthwith to Governor James that he may be aware of this request of the Alabama House of Representatives.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 70, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 221. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Which was postponed on the fifth legislative day, was taken up.

H. 221 POSTPONED

On motion of Rep. Campbell, the bill, H. 221, was postponed to the ninth legislative day.

And the bill:

H. 79. (With Amendment): To amend Section 26-13-1, Code of Alabama 1975, regarding authorizing the relief of minor children from disabilities of nonage, so as to reduce the age of relief.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 79, Section 1, page 1, line 28 to read as follows:

"obtained the age of 18 17 years, from the disabilities of nonage"

And the amendment was adopted.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Drinkard, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Hammett,

Harper (O), Harvey, Hilliard, Hines, Horn, Howard, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—67

Nays: Reps.: Holmes and Jackson.

—2

And the bill, H. 79 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Holmes and Jackson.

—2

And the bill:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Patton, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—74

Nay: Rep. Payne.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 273:

Reps.: Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Carter, Cheatwood, Clark, Cosby, Crow, Ford, Goodwin, Greer, Grimsley,

Grouby, Hall, Harper (O), Harvey, Hilliard, Holmes, Howard, Jackson, Kennedy, Laird, Langford, McKee, Manley, Minus, Mitchell, Nevett, Olive, Patton, Penry, Reed, Seibels, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

And the bill:

H. 45. To provide for the repurchase of certain inventories from retailers upon the termination of contracts; to provide definitions; to specify repurchase price and costs of handling; to provide for the transfer of title and right of possession pursuant to such repurchases; to provide civil liability for failure or refusal to repurchase; to provide for rights of heirs of retailers; to provide security interests in certain unaffected inventories and for repurchases not subject to bulk sales law and inspection of parts packed for shipping; and to provide that the provisions hereof shall not be waived.

Was taken up.

AMENDMENT OFFERED

Rep. Moore offered the following amendment to the bill, H. 45:

Amend House Bill 45, page 5, line 15, by adding thereto the following sentence:

However, nothing contained herein shall prohibit any wholesaler, manufacturer or distributor from contracting to pay or from paying any retailer more than the amounts herein set forth in Section 3.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Biddle, Blake, Bowling Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Pegues, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—68

And the bill, H. 45 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee,

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7th Day

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Manley, Minus, Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nays: Reps. Albright, Hall, Hammett and Ray.

—4

CO-SPONSORS ADDED

Reps. Greer, Turner and Johnson (Roy) were added as co-sponsors to the bill, H. 45.

RESOLUTION

The following resolution was introduced:

By Rep. Ward:

H. R. 71. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That, having previously filed a Notice in Writing, Rule 27 (b) shall read as follows:

Rule 27 (b). Any bill providing for or dealing with parimutuel betting shall be treated as a general bill.

On motion of Rep. Ward, the resolution, H. R. 71, was adopted.

Yeas 41; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Amari, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cosby, Crow, Dixon, Edwards, Gafford, Greer, Grouby, Hammett, Harper (O), Holley, Johnson (R. G.), Kennedy, Laird, McKee, Minus, Moore, Nevett, Olive, Parker, Payne, Pegues, Ray, Smith (C), Smith (J), Starkey, Trammell, Turnham, Ward, Warren, Whatley and Willis.

—41

Nays:

Reps.: Barton, Bowling, Cobb, Coburn, Dial, Gilmer, Goodwin, Hines, Holmes, Jackson, Kelley, Langford, Manley, Patton, Rains, Seibels, Shavers, Shoemaker, Stewart, Stout, Turner, Waggoner, Williams, Wyatt and Zoghby.

—25

BILLS ON THIRD READING RESUMED

And the bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Patton to indefinitely postpone the bill, H. 244, was lost.

Yeas 16; Nays 63.

Yeas:

Reps.: Adams (C), Cabaniss, Carter, Dixon, Gilmer, Gregg, Letson, Patton, Payne, Riddick, Seibels, Starkey, Stewart, Turner, Ward and Whatley.

—16

Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Drinkard, Gafford, Goodwin, Greer, Hall, Harper (O), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—63

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 62. EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

Also:

H. J. R. 64. URGING THE UNITED STATES CONGRESS TO RE-
VISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN
OF "TAXFLATION".

Also:

H. J. R. 66. REQUESTING THE BOARDS OF EDUCATION AND
ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALA-
BAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR
EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

McDOWELL LEE,
Secretary.

H. 244 RESUMED

And the bill, H. 244, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 24.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Cates,

Cheatwood, Clark, Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Harper (O), Harvey, Hilliard, Hines, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Pegues, Penry, Rains, Reed, Sasser, Shoemaker, Smith (J), Smith (M), Stout, Trammell, Turner, Venable, Waggoner, Warren, Willis and Wyatt.

—61

Nays:

Reps.: Adams (C), Adams (H), Cabaniss, Carter, Cosby, Dixon, Gilmer, Gregg, Hall, Holley, Holmes, Laird, Letson, Olive, Patton, Payne, Riddick, Roberts, Seibels, Smith (C), Starkey, Ward, Whatley and Williams.

—24

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn until 11:00 o'clock a.m., Thursday, February 28, 1980, was lost.

Yeas 24; Nays 46.

Yeas:

Reps.: Boles, Brakefield, Buskey, Cheatwood, Cooley, Cosby, Edwards, Ford, Goodwin, Harper (O), Harvey, Holmes, Letson, Olive, Pegues, Reed, Roberts, Sasser, Shavers, Smith (M), Stout, Turner, Whatley and Willis.

—24

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Crow, Dial, Dixon, Drinkard, Gilmer, Greer, Grimsley, Hammett, Hines, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McKee, McMillan, Minus, Moore, Owens, Patton, Payne, Rains, Riddick, Seibels, Shoemaker, Starkey, Stewart, Trammell, Waggoner, Warren, Williams and Wyatt.

—46

BILLS ON THIRD READING RESUMED

And the bill:

H. 109. To amend Section 43-5-23 of the Code of Alabama 1975 relating to the effect of warranty in deed conveying land belonging to a husband so as to give the same rights to the husband.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby,

Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 16. COMMENDING MR. PRENTISS BAUGHMAN OF BALDWIN COUNTY, ALABAMA, FOR OUTSTANDING PERFORMANCE OF DUTY.

S. J. R. 17. EXPRESSING THE APPRECIATION OF THE LEGISLATURE TO BALDWIN COUNTY COMMISSIONER JAMES J. BOYINGTON.

S. J. R. 19. REQUESTING THE UNITED STATES CONGRESS AND DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO ALTER REGULATIONS GOVERNING ADMINISTRATION OF MEDICAID PROGRAM.

S. J. R. 21. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO INVESTIGATE LOBBYING BY THE LEGAL SERVICES CORPORATION OF ALABAMA.

S. J. R. 22. CONGRATULATING THE 1979 STATE 4A FOOTBALL CHAMPIONS, THE WILDCATS OF ENTERPRISE HIGH SCHOOL.

S. J. R. 23. PRAISING THE ENTERPRISE HIGH SCHOOL WILDCAT MARCHING BAND, RECENTLY DESIGNATED AS ONE OF THE "TOP TEN BANDS IN THE UNITED STATES."

S. J. R. 24. RECOMMENDING THAT ALL SCHOOL SYSTEMS ALLOW OFFICIAL REPRESENTATION OF MILITARY FORCES REASONABLE ACCESS TO CERTAIN SCHOOL FACILITIES FOR RECRUITING PURPOSES.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

Was taken up.

H. 243 POSTPONED

On motion of Rep. Clark, the bill, H. 243, was postponed to the eleventh legislative day.

And the bill:

H. 284. To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

Was taken up.

H. 284 POSTPONED

On motion of Rep. Gafford, the bill, H. 284, was postponed to the eighth legislative day.

And the bill:

H. 67. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Was taken up.

H. 67 POSTPONED

On motion of Rep. Drinkard, the bill, H. 67, was postponed to the ninth legislative day.

And the bill:

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

Was taken up.

AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, H. 115:

Amend House Bill 115, Section 6, Page 2, at the end of Line 34 after the period by adding the following:

The Alabama Forestry Commission may assist any fire department needing additional equipment to meet the standards for certification.

MOTION TO POSTPONE TABLED

On motion of Rep. Roberts, the motion offered by Rep. Brakefield to postpone further consideration of the bill, H. 115 with pending amendment, to the eighth legislative day, was tabled.

Yeas 56; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Hines, Howard, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Manley, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Turnham, Waggoner, Warren, Williams, Wyatt and Zoghby.

—56

Nays:

Reps.: Brakefield, Cooley, Edwards, Holley, Rains, Shavers, Trammell and Turner.

—8

CO-SPONSORS ADDED

Reps. Whatley, Johnson (R. G.), Letson, Grouby and Venable were added as co-sponsors to the bill, H. 115.

The question was then on the adoption of the amendment offered by Rep. Roberts to the bill, H. 115.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Rains to indefinitely postpone the bill, H. 115 with pending amendment, was lost.

Yeas 4; Nays 65.

Yeas: Howard, Rains, Turner and Zoghby.

—4

Nays:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—65

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Roberts to the bill, H. 115, and the amendment was adopted.

Yeas 64; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—64

Nays: Reps.: Gafford and Rains.

—2

And the bill, H. 115 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—78

Nays: Reps.: Hall and Rains.

—2

RESOLUTION

The following resolution was introduced:

By Reps. Zoghby, Bedsole, Turner, Kennedy, Stewart, Buskey, Parker, McMillan and Harper (T):

H. J. R. 72. MOURNING THE TRAGIC DEATH OF KATHERINE ELIZABETH FOSTER.

WHEREAS, The Legislature of the State of Alabama was shocked and saddened to learn of the tragic slaying of young Katherine Elizabeth Foster whose body was found on Saturday, February 23, 1980; and

WHEREAS, Katherine Foster was born in Pascagoula, Mississippi, where she attended school, setting a tremendous example for her fellow students to emulate; she was an excellent student earning honor as the Salutatorian of the 1979 graduating class of our Lady of Victory High School; and

WHEREAS, Katherine then entered the University of South Alabama in Mobile, where she was loved and admired by everyone who knew her; and

WHEREAS, Katherine was a devout Catholic, contributing relentlessly to services of Our Lady of Victory Catholic Church in Pascagoula as well as attending mass at the University of South Alabama; and

WHEREAS, Katherine, during her almost nineteen years of life, personified perfection in a young lady; and

WHEREAS, everyone who knew Katherine has been blessed by the gift of her life, and this beloved young lady will be sorely missed by all; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn, and do deeply regret, the death of Katherine Elizabeth Foster and express our deep and sincere sympathy to her parents, Mr. and Mrs. Walker Foster, and to her family;

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Foster family that they may know we truly share the sorrow of their great loss.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 72, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 62. EXPRESSING INORDINATE PRIDE IN THE UNITED STATES HOCKEY TEAM, OLYMPIC GOLD MEDALISTS, 1980.

Also:

H. J. R. 64. URGING THE UNITED STATES CONGRESS TO REVISE TAX LAWS SO AS TO RELIEVE CITIZENS OF THE OVERBURDEN OF "TAXFLATION."

Also:

H. J. R. 66. REQUESTING THE BOARDS OF EDUCATION AND ALL HIGH SCHOOLS IN ALABAMA TO COOPERATE WITH THE ALABAMA NATIONAL GUARD AND THE U. S. ARMED FORCES IN THEIR EFFORTS TO STRENGTHEN OUR MILITARY FORCES.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Nevelt, Olive, Owens, Patton, Payne, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 116:

Reps.: Albright, Blake, Bowling, Brakefield, Cates, Cobb, Cooley, Dial, Drinkard, Gilmer, Greer, Grouby, Hall, Harper (O), Harvey, Howard, Johnson (R. G.), Laird, Letson, McKee, Mitchell, Patton, Payne, Penry, Ray, Reed, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Warren, Whatley, Willis and Wyatt.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:45 P.M. on February 26, 1980.

H. J. R. 51.

H. J. R. 52.

H. J. R. 53.

H. J. R. 54.

H. J. R. 59.

Delivered to the Governor at 4:30 P.M. on February 26, 1980.

H. J. R. 62.

H. J. R. 64.

H. J. R. 66.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 60, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, February 28, 1980.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 28, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mister Colin McKee, Minister, Capitol Heights Church of Christ, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE OF RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

REGULAR SESSION
8th Day

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On motion of Rep. Manley, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 73. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 28, 1980, we adjourn to meet again on Tuesday, March 4, 1980, at 1:00 p.m.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 73, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 540. (With Substitute): To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act. No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crises use, and to appropriate the estimated ending balance in the Alabama Special Education Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 174. To amend Sections 36-30-20, 36-30-21, 36-30-22 and 36-30-23, Code of Alabama 1975, to allow other state law enforcement officers as defined by this Act to come under the provisions of the Policeman Occupational Disease Act.

S. 177. To amend, in implementation of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979, Section 40-8-1 of the Code of Alabama 1975; to define the classes of taxable property subject to ad valorem taxation by the State of Alabama and by all counties, municipalities or other taxing authorities therein, under authority of Article XI, Section 217 of the Constitution of Alabama of 1901, as amended; to redefine residential property; to prohibit retrospective or retroactive application of the constitutional amendment proposed in Act No. 79-541, Regular Session 1979 with respect to any ad valorem tax accrued prior to October 1, 1979, thus prohibiting the refund of any such tax, or portion thereof; to provide an effective date for the act; and to provide that the provisions of this act shall apply to any taxes accruing after October 1, 1979.

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings

grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

H. 427. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Sec. 36-26-8(b) (14), Code of Alabama, 1975.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and place on the Calendar, to-wit:

H. 428. (With Amendments): To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following Sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

H. 435. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

H. 548. To authorize the governor to make cash awards to employees of the State of Alabama for suggestions that lead to the economical and efficient operation of state government.

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 455. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

H. 563. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

S. 74. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

H. 584. To provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

H. 159. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child once required to be tried as an adult and convicted or adjudged to be a youthful offender shall automatically be tried as an adult in subsequent criminal proceedings.

H. 494. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3) (a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

H. 313. To provide for the identification of leaf vegetable material commonly known as marihuana for misdemeanor cases by qualified law enforcement officers; to provide for an adequate training program to be offered by the department of forensic sciences for training selected personnel

in the reliable, proven procedures to identify leaf marihuana; to provide for the issuance of certificates to those officers satisfactorily completing the required training and for continued monitoring of the program by the department; to provide for the admissibility of the testimony of such qualified officer into evidence by a court hearing a misdemeanor charge involving marihuana; and to provide for further testing of the vegetable material in question when parties to the cause may so request.

H. 311. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 315. (With Amendment): To require that persons convicted of committing certain crimes against the elderly and handicapped to be sentenced to a term of imprisonment of at least three years.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 618. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures & seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, negotiable instruments, or any other property in the list of things being subject to forfeiture if used or intended to be used in the sale or receipt of controlled substances.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 4. (With Amendment): To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 307. (With Amendment): To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Rep, Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 310. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

H. 466. To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Rep. Roberts, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 31. To prevent ~~for any employer~~ any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

H. 271. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

H. 591. This bill provides that the designated state medicaid agency shall set levels of medicaid participation based upon recipients' and/or their immediate families' ability to pay.

H. 592. To prohibit the Alabama Medicaid Program from reimbursing any provider of service for medicare deductible and/or coinsurance amounts for services not authorized by or exceeding the limitations established under the state plan for medical assistance.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 593. (With Amendment): To provide for the designated state medicaid agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

H. 594. (With Amendment): A moratorium is established under the Alabama Medicaid Program on the admission to a nursing facility of any patient classified as requiring intermediate level nursing care and the intermediate care nursing service shall be discontinued under the Alabama Medicaid Program upon the discharge of all current medicaid recipients or at the end of a two year period whichever occurs first.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

H. 599. This bill provides that the designated state medicaid agency shall have the sole responsibility for establishing, regulating, monitoring and administering medicaid eligibility in the State of Alabama. Only the blind, disabled, and aged shall be eligible for benefits under the Alabama Medicaid Program.

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the personal resources of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 385. (With Substitute): To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 553. (With Amendment): To amend Section 27-29-2 of the Code of Alabama relating to investments in subsidiaries and affiliates of domestic insurers.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 105. To amend Code of Alabama 1975, §§ 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 478. (With Substitute) (With Amendment): Relating to all Alabama public school systems; to require that members of county and city boards of education be elected and that all such boards shall appoint the superintendent of education for the county or the city.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 589. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

H. 113. To provide that city and county school boards may provide reimbursement to cover certain personal property of teachers that may be stolen, damaged or destroyed while teachers are engaged in activities within the scope of their employment.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 510. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 204. (With Substitute): To provide that county commissions shall meet on the same day of the following week if the regular meeting day falls on a legal public holiday.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 28. To amend Sections 11-54-20 and 11-54-21 and Sections 11-54-80 and 11-54-81 of the Code of Alabama 1975, relating to municipalities and municipal industrial development boards and authorizing the acquisition, ownership and leasing of projects to promote industry and trade so as to include facilities for tourism and amusement parks in the projects authorized.

H. 55. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

H. 91. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

H. 498. Amend Section 23-4-20 of the Code of Alabama 1975 by providing that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require the payment of the value of such land being vacated to such municipality or county; and further providing that such vacation shall not affect the continuing existence in said vacated land of a right-of-way or easement for existing utility installations and any sanitary or storm sewer.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 411. (With Amendment): To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, to provide for the zoning of the territory upon annexation into the City of Hoover, to provide for a limitation on increases of ad valorem taxes, to provide for an exemption from the imposition of "occupational taxes" on persons employed within the territory be annexed, and to ratify an agreement between the City of Hoover and the owners of a part of the territory to be annexed concerning the development of such territory, and which agreement provides, among other things, for the financing, construction and operation of a sewage treatment facility to serve a portion of the territory to be annexed.

S. 44. (With Amendment): To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 543. To amend Section 32-8-8 of the Code of Alabama 1975, the same being a portion of the Alabama Uniform Certificate of Title and Antitheft Act, so as to add recyclers, garages and body shops to those premises on which inspections may be made of identification numbers of all vehicles or component parts thereof and to authorize such inspections on both licensed and unlicensed premises.

H. 491. To amend certain sections of Title 32, Code of Alabama 1975, specifically Section 32-6-1 relating to expiration date of driver licenses on a licensee's birthdate; Section 32-6-8 relating to the issuance of temporary instruction and learner's driver permits by the Department of Public Safety, probate judges, and license commissioners, to provide that a restricted learners license with color photo be issued to applicants age fifteen and above for a term and in similar manner to a regular driver license except that license restriction shall be noted clearly on the license, to provide the period of time such restricted licenses are to be valid, the manner of issuance and of removing the restriction, establish the cost of such restricted licenses, provide a fee for the issuing authority; and Section 32-6-15 relating to the issuance of duplicate licenses, to provide the manner of issuance, set issuance fee and to provide for the distribution of fee.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 191. (With Amendment): Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

H. 193. (With Amendment): Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

H. 236. Relating to Mobile County; providing for the position of super-numerary county treasurer; and providing for the duties, qualifications and compensation of any such officer.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 409. (With Amendment): Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 360. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

H. 361. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

H. 362. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

H. 363. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

H. 364. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

H. 365. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975, and Act No. 79-830, H. 486 of the 1979 Regular Session.

H. 366. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

H. 367. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

H. 368. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

H. 369. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

H. 370. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 371. (With Amendment): Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 372. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

H. 373. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

H. 374. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

H. 375. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending

Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which sections requires surety bond from applicants.

H. 376. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

H. 377. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

H. 378. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

H. 379. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 380. (With Substitute) (With Amendments): Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 381. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

H. 382. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapters 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 65. EXPRESSING APPRECIATION AND GRATITUDE TO DR. FAIN A. GUTHRIE FOR HIS LEADERSHIP AND DEVOTION TO THE UNIVERSITY OF ALABAMA IN BIRMINGHAM AND ITS SCHOOL OF EDUCATION.

On motion of Rep. Pegues, the resolution, H. J. R. 65, was adopted.

Also:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

On motion of Rep. Pegues, the resolution, S. J. R. 26, was adopted.

Also:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

On motion of Rep. Pegues, the resolution, S. J. R. 27, was adopted.

Also:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHES, LOUISIANA.

On motion of Rep. Pegues, the resolution, S. J. R. 30, was adopted.

Also:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

On motion of Rep. Pegues, the resolution, S. J. R. 32, was adopted.

Also:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

On motion of Rep. Pegues, the resolution, S. J. R. 35, was adopted.

Also:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

On motion of Rep. Pegues, the resolution, S. J. R. 37, was adopted.

Also:

S. J. R. 38. NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75th ANNIVERSARY.

On motion of Rep. Pegues, the resolution, S. J. R. 38, was adopted.

Also:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

On motion of Rep. Pegues, the resolution, S. J. R. 39, was adopted.

Also:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

On motion of Rep. Pegues, the resolution, S. J. R. 42, was adopted.

Also:

S. J. R. 43. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA'S BASKETBALL TEAM, AND COACH CLIFF ELLIS, FOR WINNING THE SUN BELT CONFERENCE CHAMPIONSHIP FOR THE SECOND YEAR IN A ROW.

On motion of Rep. Pegues, the resolution, S. J. R. 43, was adopted.

Also:

H. R. 56. EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES IN REGARD TO THE MARCH 11, 1980, PRIMARY.

The motion offered by Rep. Pegues to adopt the resolution, H. R. 56, was lost.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 630. To create a Department of Environmental Services to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Environmental Services to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act.

To repeal all laws or parts of laws which conflict with this Act.

State Administration.

By Reps. Clark and Manley:

H. 631. To further provide and fix the annual compensation of the chief justice and associate justices of the supreme court, and of the judges of the court of criminal appeals and the court of civil appeals.

Ways and Means.

By Rep. Clark:

H. 632. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of malt or brewed beverages.

Ways and Means.

By Rep. Manley:

H. 633. To amend Section 36-7-21, Code of Alabama 1975 (as amended), which provides for allowances of persons traveling outside state and authorization of out-of-state travel, so as to exempt persons employed by two-year postsecondary institutions which are under control of the state board of education from having to secure approval of the governor for out-of-state travel; providing persons representing two-year postsecondary institutions which are under control of the state board of education shall receive authority for out-of-state travel from the president of the institution and the state superintendent of education.

Ways and Means.

By Rep. Whatley:

H. 634. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

Agriculture and Forestry.

By Rep. Bennett:

H. 635. Relating to elections; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define terms used in this act; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the promise of appointment by a candidate, the promise of employment or other benefit for political activity, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with

respect to elections; to provide penalties for the violation of the provisions of this act; and to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA 1975.

Constitution and Elections.

By Reps. Cobb, Albright, Boles, Greer, Johnson (Roy), Wyatt, Grimsley, Williams, Bowling, Blake, Harper (O), Ford, Goodwin, Hall, Lewis, Carter and Horn:

H. 636. To provide that teachers shall be paid for certain accumulated sick leave days upon retirement.

Ways and Means.

By Rep. Hall (With Notice and Proof):

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members and providing for supplemental effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee:

H. 638. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Ways and Means.

By Rep. Dixon:

H. 639. To amend Section 6-5-332, Code of Alabama 1975, which exempts from civil liability certain persons who render emergency care at accidents; and to include persons who provide assistance to police or other agencies in responding to emergencies involving liquefied petroleum gas.

Judiciary.

By Rep. Riddick:

H. 640. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Local Government.

By Reps. McMillan and Penry:

H. 641. To provide increased criminal penalties for those persons convicted of committing certain crimes against elderly citizens.

Judiciary.

By Rep. McMillan:

H. 642. To prohibit at certain time of the year the use of airboats on any of the public waters of this State and to provide penalties therefor.

Natural Resources.

By Rep. McMillan:

H. 643. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Judiciary.

By Reps. Venable, Wyatt, Dixon, Daniels, Grouby, McMillan, Holmes, McKee, Ray, Edwards, and Langford:

H. 644. To provide salary increases for certain state employees and to appropriate funds therefor.

Ways and Means.

By Rep. Wyatt:

H. 645. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J)

H. R. 74. HONORING COACH T. E. "COTTON" ROGERS OF HUNTSVILLE, ALABAMA.

Also:

By Reps. Hall and Albright:

H. R. 75. MOURNING THE DEATH OF JOE AVERY ALLISON, PROMINENT JACKSON COUNTY BUSINESSMAN AND CIVIC LEADER.

Also:

By Reps. McMillan and Penry:

H. R. 76. COMMENDING THE KAISER CORPORATION'S ELECTRICAL PRODUCTS PLANT IN BAY MINETTE, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Martin and St. John (With Notice and Proof):

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 299 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 299. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House of its consideration:

By Messrs. Little, Mitchem, Higginbotham, Holmes, Smith, McDonald, Harrison, Denton, St. John, Goodwin, Miller, Kirkland, Proctor and deGraffenried:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

Also:

By Messrs. Little and McDonald:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

Also:

By Messrs. Robertson, St. John and Goodwin:

S. J. R. 48. MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

Also:

By Mr. Robertson:

S. J. R. 49. HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OF CHOCTAW COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 46 and S. J. R. 47, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

On motion of Rep. Minus, the rules were suspended and the House concurred in and adopted and the resolutions, S. J. R. 48 and S. J. R. 49, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Waggoner and McKee:

H. J. R. 77. EXPRESSING THE ALABAMA LEGISLATURE'S OPPOSITION TO THE REGISTRATION OF WOMEN FOR THE DRAFT.

WHEREAS, in view of the fact that this body is totally and unalterably opposed to combat service for women, we also resist the Administration's decision to require their registration for the draft, seeing no necessity for mandating services that American women have historically and voluntarily provided in time of war; and

WHEREAS, numerous of our nation's military hierarchy have repeatedly stated their beliefs that, as in World War II and since that time, women have voluntarily enlisted in our armed forces in sufficient numbers to fulfill those duties for which they are physically and emotionally equipped, performing said duties even more competently, in many cases, than our men; and

WHEREAS, even prior to the advent of WACS, WAVES and WAFS, the women of our great nation served courageously and at great sacrifice in civilian defense capacities, in plants and factories, as nurses, in governmental positions and in many other ways, releasing our men for combat; and

WHEREAS, in final consideration, the Alabama Legislature recognizes innate differences which, viewed medically or Biblically, dictate a woman's role as a mother and, in turn, her grave responsibility first and foremost to home and family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there obviously being no necessity for drafting our women into the armed forces, we hereby vehemently resist the Administration's request to the United States Congress to approve their registration.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to President Carter, with copies also to each member of our Congressional Delegation in Washington, D. C., that they may know of our total rejection of an act tantamount to the abasement of womanhood.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules and adopt the resolution, H. J. R. 77, was lost.

The resolution, H. J. R. 77, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling

the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carter, Clark, Coburn, Cooley, Crow, Dial, Drinkard, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Kelley, Langford, Letson, McKee, McMillan, Manley, Moore, Penry, Rains, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Cates, Clark, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Moore, Penry, Rains, Ray, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Cates, Clark, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Kelley, Laird, Langford, McKee, McMillan, Manley, Moore, Olive, Parker, Penry, Rains, Ray, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 235. To amend Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 235:

A BILL TO BE ENTITLED AN ACT

To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Be It Enacted by the Legislature of Alabama.

Section 1. Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, is hereby amended to read as follows:

"Section 4. Application for authority to incorporate; review of application and issuance of executive order by the governor.

"(a) In order to form a public corporation under the provisions of this act, any number of natural persons, not less than three, shall first file a written application with the governor. Such application shall:

"(1) Contain a statement that such public corporation proposes to undertake and carry out one or more or all of the purposes defined in Section 3 with respect to public corporations formed under this act.

"(2) Contain a description by county name or otherwise of the area of operation in which the public corporation proposes to carry on its activities.

"(3) State that land, buildings, houses or other structures, facilities or property located in the area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance.

"(4) State that the proposed activities of the public corporation within the area of operation will promote the preservation of and interest in property listed in the National Register of Historic Places.

"(5) State that each of the applicants is a person of good moral character and is a duly qualified elector of the state who resides in the proposed area of operation; and

"(6) Request that the governor issue an executive order declaring that he has reviewed the contents of the application and has found the statements of fact contained therein to be true and authorizing the persons filing the application to proceed to form such public corporation. Every such application shall be accompanied by such supporting documents or evidence as the applicants may deem appropriate.

"(b) As promptly as is practicable after the application is filed as provided in this section, the governor shall review the contents of the application and shall find and determine whether the statements of fact contained in the application are true. If the governor finds and determines that any of the statements of fact contained in the application are not true, the governor shall forthwith issue an executive order denying the application; but, if the governor finds and determines that the statements of fact contained in the application are true, the governor shall forthwith issue an executive order declaring that he has reviewed the contents of the application and has found and determined that the statements of fact contained in the application are true, declaring that the proposed activities of such public corporation in the area of operation described will promote the restoration, renovation, preservation, improvement, protection or maintenance of, and public interest in, land, buildings, houses or other structures, facilities or property listed in the National Register of Historic Places and that, for such reason, it is wise, expedient and necessary that such public corporation be formed and authorizing the persons filing the application to proceed to form such public corporation.

"In finding and determining whether the statements of fact contained in the application are true, the governor may, without investigation or further consideration, assume that the statements made pursuant to subdivisions (1) and (2) of subsection (a) of this section are true and, upon such assumption, so find and determine. It shall be sufficient to establish the truth of the statement made pursuant to subdivision (3) of subsection (a) of this section if there accompanies the application a resolution by the Commission that land, buildings, houses or other structures, facilities or property located in the proposed area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance; provided, however, that such means of establishing the truth of said statements are not to be taken as being exclusive. If the statement of fact made pursuant to subdivision (3) of subsection (a) of this section is found and determined to be true, then the governor may without investigation or further consideration assume that the statement of fact made pursuant to subdivision (4) of subsection (a) of this section is true and, upon such assumption, so find and determine.

"Provided, however, that the governor shall notify the respective county governing bodies of any requests to form an authority in an area comprising two or more counties. Such notice must precede any executive order relating to the request by twenty days.

"Section 6. Board of Directors.

"Each authority shall be governed by a board of directors consisting of three directors, all of whom shall be persons of good moral character, duly qualified electors of the state, and residents of the area of operation of the authority. All powers of an authority shall be exercised by the board or pursuant to its authorization. If the area of operation of an authority shall be wholly within the corporate limits of any municipality, the directors of that authority shall be appointed by the governing body of that municipality. If the area of operation of an authority shall be wholly within a single county, the directors of that authority shall be appointed by the governing body of that county. If the area of operation of an authority shall be larger than any single county, the directors of that authority shall be appointed by the governor. from among persons nominated by the commission. Whenever the appointment of directors of such an authority whose directors are nominated by the commission is required, the governor shall notify the commission the respective county governing bodies in writing of the authority and the number of directors to be appointed. If the commission fails to nominate directors within fourteen days after written notification from the governor, as provided in this section, the The governor may appoint as a director of the authority any person qualified to serve as such under the provisions of this act. Provided, however, that the governor shall notify the respective county governing bodies, in writing, twenty days prior to the appointment. The terms of the directors shall be staggered, the first term of one director being for three two years from and after the date of his appointment, the first term of another director being for six four years from and after the date of his appointment, and the first term of the remaining director being for nine six years from and after the date of his appointment; thereafter, the term of office of each director shall be for nine six years. Each director shall serve during his term of office, and until his successor is appointed and qualified. Vacancies on the board shall be filled by appointment by the governing body or the governor having the power to make the appointment for the full term. Appointments to fill vacancies which occur during a regular term shall be for the unexpired term. Directors shall be eligible for reappointment. If the certificate of incorporation shall so provide, each director may be reimbursed by the authority for actual expenses incurred by him in and about the performance of his duties. Any director of an authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal from office of the officers mentioned in said section 175."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark, Cooley, Cosby, Drinkard, Edwards, Gafford, Goodwin,

Greer, Gregg, Grimsley, Grouby, Hall, Harper (T), Harvey, Hines, Holley, Howard, Kelley Kennedy, Laird, Letson, McMillan, Mitchell, Moore, Parker, Patton, Payne, Pegues, Penry, Rains, Sandusky, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—55

Nay: Rep. Manley.

—1

And the bill:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 3.

Yeas:

Mr. Speaker, Adams (C) Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cosby, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Howard, Kelley, Kennedy, Laird, Langford, Letson, McMillan, Mitchell, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—58

Nays: Reps. Albright, Hall and Manley.

—3

And the bill:

H. 36. (With Amendment): To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend H. B. 36 as follows:

1. Section 5-1-4 is amended to read as follows:

Section 5-1-4. Restrictions on engaging in banking business. No person, firm, corporation or other entity except a bank or if otherwise lawfully authorized a credit union or a savings and loan association may lend money and either receive deposits or pay checks at its principal office or branch in this state."

2. Section 5-2-9 is amended as follows:

(a) Delete the word "banking" on line 32 of page 6 and insert the word "financial" in its place.

(b) After the word "banks" on line 32 of page 6, add the words "savings and loan associations and credit unions."

(c) After the word "banks" on line 35 of page 6, add the words "savings and loan associations and credit unions."

3. Amend Section 5-2-10 so as to read as follows:

"Section 5-2-10. Superintendent of banks—Promulgation of regulations.

The superintendent may, with the concurrence of a majority of the members of the state banking board or, in the case of regulations exclusively affecting credit unions, with the concurrence of a majority of the credit union board of the bureau of credit unions, promulgate such reasonable regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of this title over which the state banking department has jurisdiction. The superintendent shall, in addition, issue written interpretations of banking laws and regulations. Any bank and any officer or director thereof relying on any regulation or interpretation shall be fully protected even though the same shall be thereafter ruled invalid for any reason by a court of competent jurisdiction.

4. Amend Section 5-13-3 by adding at the end thereof commencing on line 26 at page 112 the following:

"This act is not intended to limit or restrict activities of savings and loan associations or credit unions now or hereafter lawfully authorized. Specifically, nothing contained herein shall be construed so as to alter, amend or repeal any of the provisions of §§ 5-2-60 through 5-2-63, 5-2-100 through 5-2-125, 5-16-1 through 5-16-53 and 5-17-1 through 5-17-28 relating to savings and loan associations and credit unions."

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Blake, Brakefield, Cabaniss, Carter, Clark, Cosby, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Kelley, Laird, McKee, Mitchell, Moore, Olive, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 36 as amended:

1. Amend Section 5-5-18, subsection (8), page 36, line 6, by changing the semicolon after the word customer to a comma and by adding thereafter the following:

provided such banks must comply with any applicable Alabama laws regulating leasing real property or improvements thereon to others.

2. Amend Section 5-13-3, page 112, by deleting lines 15, 16 and 17 and substituting the following:

The following sections and all other sections and parts of sections in the Code of Alabama 1975, as amended, inconsistent herewith, except the provisions of Sections 34-27-1 through 34-27-38, are hereby repealed.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 6.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Coburn, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Venable, Waggoner, Ward, Warren, Williams and Wyatt.

—59

Nays:

Reps. Gilmer, Hilliard, Holmes, Horn, Jackson and Kennedy.

—6

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 1 to the bill, H. 36 as amended:

On page 50, line 9 after the word "two" insert the words or more

Also, on page 50, lines 9 and 10 strike the word "either" and insert in lieu thereof on lines 9 and 10 the word any

Also on page 50, line 11, strike the word "survivor" and insert in lieu thereof the words survivors jointly

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark, Cobb, Cooley, Cosby, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren and Wyatt.

—62

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 2 to the bill, H. 36 as amended:

On page 48, line 30 strike the following: "\$5,000.00"
and insert in lieu thereof the following: \$1,000.00

AMENDMENT TABLED

On motion of Rep. Cates, the amendment No. 2 offered by Rep. Cooley to the bill, H. 36 as amended, was tabled.

Yeas 61; Nays 6.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Smith (M), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—61

Nays:

Reps.: Adams (C), Barton, Bowling, Clark, Cooley and Roberts.

—6

And the bill, H. 36 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard,

Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—81

And the bill:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union or other financial institution licensed to do business in this state; and to exempt such person from any penalties under the usury laws or other laws prescribing, regulating or limiting any rate or rates of interest.

Was taken up.

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 1 to the bill, H. 241:

Amend H. B. 241 by deleting on page 1, line 23 and 32, the clause "or other financial institution licensed to do business."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Horn, Jackson, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Gregg and Howard.

—2

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 2 to the bill, H. 241 as amended:

Amend H. B. 241 by striking on page 1 line 12 the following clause, or other licensed financial institution.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Howard, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—65

Nay: Rep. Ray.

—1

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 3 to the bill, H. 241 as amended:

by adding on line 33 the following clause after Alabama "under the same provisions of the applicable laws to the same extent and under the same circumstances and conditions

AMENDMENT TABLED

On motion of Rep. Clark, the amendment No. 3 offered by Rep. Hilliard to the bill, H. 241 as amended, was tabled.

Yeas 52; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark, Cooley, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Patton, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Boles, Buskey, Cheatwood, Coburn, Greer, Harrison, Hilliard, Holley, Horn, Howard, Kennedy, Langford, Rains, Seibels, Starkey and Wyatt.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 65. EXPRESSING APPRECIATION AND GRATITUDE TO DR. FAIN A GUTHRIE FOR HIS CONTRIBUTIONS TO THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Manley that the House adjourn until 1:00 o'clock p.m., Tuesday, March 4, 1980, was lost.

Yeas 24; Nays 53.

Yeas:

Reps.: Boles, Brakefield, Cheatwood, Clark, Cooley, Cosby, Goodwin, Grimsley, Harrison, Harvey, Hines, Kelley, Letson, Manley, Olive, Patton, Pegues, Reed, Roberts, Shavers, Stout, Whatley, Williams and Willis.

—24

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cobb, Coburn, Crow, Dixon, Drinkard, Ford, Gafford, Gilmer, Greer, Gregg, Grouby, Hall, Harper (T), Holley, Jackson, Johnson (R. G.), Laird, Langford, Lewis, McKee, McMillan, Minus, Moore, Parker, Payne, Rains, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Wyatt and Zoghby.

—53

RESOLUTION

The following resolution was introduced:

By Rep. Jackson:

H. R. 78. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 540, AS SUBSTITUTED.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill H. B. 540, as substituted, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 540, as substituted, conflict with Section 44 of the 1901 Constitution, which section provides that the legislative power of this state shall be vested in a legislature; and, specifically, does H. B. 540, as substituted constitute an unconstitutional delegation of legislative power by allowing the executive branch to utilize unencumbered funds of state agencies absent an appropriation of the legislature?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send a sufficient number of true copies of the pending bill, as substituted,

H. B. 540, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Jackson offered the motion to suspend the rules and adopt the resolution, H. R. 78.

DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Jackson to suspend the rules in order to take up for immediate consideration the resolution, H. R. 78, and the motion was lost.

Yeas 33; Nays 47.

Yeas:

Reps.: Albright, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Gregg, Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Langford, Nevett, Parker, Rains, Reed, Riddick, Shavers, Smith (M), Turner and Wyatt.

—33

Nays:

Mr. Speaker, Adams (H), Barton, Bedsole, Cabaniss, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Grimsley, Grouby, Harper (T), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghy.

—47

The resolution, H. R. 78, was read and referred to the Standing Committee on Rules.

H. 241 RESUMED

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 241 as amended:

Lines 14 and 15 delete "It exempts such person from penalties under the usury laws"

Lines 24 and 27 delete ; and to exempt such person from any penalties under the usury laws or other laws prescribing, relating or limiting any rate or notes of interest.

Add period line 24.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—75

And the bill:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the same circumstances and conditions, to any bank, savings and loan, credit union in this state.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—73

Nays:

Reps.: Albright, Buskey, Cheatwood, Coburn, Dial, Goodwin, Greer, Hall, Harrison, Hilliard, Holley, Holmes, Howard, Kennedy, Langford, Nevett, Rains and Starkey.

—18

And the bill:

H. 8. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 8.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carter, Cates, Clark, Cobb, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (T), Harrison, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Parker, Payne, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—58

Nays:

Reps.: Albright, Buskey, Cheatwood, Hall, Hilliard, Howard, Letson and Penry.

—8

ADJOURNMENT

On motion of Rep. Carter and pursuant to the resolution, H. R. 73, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 4, 1980.

Yeas 40; Nays 35.

Yeas:

Reps.: Adams (H), Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark, Cobb, Coburn, Cosby, Dial, Ford, Goodwin, Grimsley, Harper (O), Harvey, Holmes, Horn, Howard, Kelley Kennedy, Letson, Manley, Minus, Nevett, Olive, Parker, Patton, Pegues, Reed, Roberts, Shavers, Shoemaker, Starkey, Stout, Trammell, Turner, Williams and Willis.

—40

Nays:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Carothers, Crow, Dixon, Gafford, Greer, Grouby, Hammett, Hines, Johnson (R. G.), Langford, Lewis, McKee, McMillan, Mitchell, Moore, Payne, Penry, Rains, Ray, Sandusky, Seibels, Smith (C), Smith (M), Stewart, Turnham, Waggoner, Ward, Wyatt and Zoghby.

—35

NINTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 4, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Jerry Falwell, Thomas Road Baptist Church, Lynchburg, Virginia.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 65. Commending Dr. Fain A. Guthrie of the University of Alabama in Birmingham's School of Education and extending best wishes for continuing success as Professor of Human Services Education.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 72 MOURNING THE TRAGIC DEATH OF KATHERINE ELIZABETH FOSTER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Also:

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Also:

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Also:

H. 214. To repeal Act No. 589, S. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

Also:

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Also:

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Also:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

Also:

H. 219. Relating to Calhoun County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Also:

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

McDowell Lee,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Crow, leave of absence was granted for Rep. Blake, due to a death in the family.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 79. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Tuesday, March 4, 1980, we adjourn to meet again on Thursday, March 6, 1980, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 79, was adopted.

BILLS ON SECOND READING

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 80. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 4, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Commendation and Sympathy Resolutions

Introduction of Bills

Uncontested Local Bills

By: Rep. Owens:

H. 540. p. 49. To provide further for the funds to pay cost-of-living increases, certain educational personnel and for state employees and officials and governor's authority to transfer unencumbered balances for declared crises.

By: Rep. Pegues:

H. 590. p. 66. Medicaid, insurance, declare null and void any provision that reduces benefits due to insureds' medicaid status.

By: Rep. Pegues:

H. 600. p. 72. Medicaid, assignment by medicaid recipients of all medical support and assistance to designated state medicaid agency.

By Rep. Pegues:

H. 598. p. 70. Medicaid, specific exclusion of certain classes of cost items from the reimbursement methodology.

By Rep. Pegues:

H. 593. p. 67. Medicaid, color photo I-D cards for eligible recipients.

By Rep. Pegues:

H. 595. p. 68. Medicaid, eligible persons to pay \$1.00, prescription drugs.

By Rep. Pegues:

H. 596. p. 69. Medicaid, co-payment of \$2.00 for service performed.

By Rep. Pegues:

H. 597. p.70. Medicaid, ceiling for reimbursement, inpatient hospital services.

By Rep. Pegues:

H. 601. p.72. Medicaid, to revoke or deny medicaid eligibility for individuals who have abused, defrauded or misused in any way the benefits of the program.

By Rep. Pegues:

H. 602. p. 73. Medicaid, sponsor of nursing home patient to authorize county tax collector to collect personal resources of such patient and pay such moneys over to MSA.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 80, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Albright:

H. 646. To provide personal leave to school bus drivers and all full-time support personnel who are noncertificated educational employees.

Ways and Means.

By Rep. Albright:

H. 647. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in pari materia with Act No. 229, H. 146 (Acts 1967, p. 598).

Local Government.

By Rep. Manley:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections:

§40-17-140, relating to definitions pertaining to the motor carrier fuel tax; §40-17-141, relating to the levy and amount of the motor carrier fuel tax; §40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; §40-17-145, relating to payment of tax; §40-17-146, relating to disposition of proceeds of tax; §40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; §40-17-149 relating to books and records; §40-17-151, relating to sales without liability for tax on the part of distributor; and §40-17-155, relating to penalties.

Ways and Means.

By Rep. Manley:

H. 649. To amend §12-19-150, Code of Alabama 1975, to provide that a judge may, in the interest of justice, enter an order dismissing the case prior to trial upon the condition that the docket fee and other court costs be paid; and to provide an effective date.

Judiciary.

By Reps. Cheatwood, Boles and Naramore:

H. 650. To provide that certain public employees who are not presently covered by the state merit system, teacher tenure act, or similar local merit systems shall be entitled to privileges granted to public employees covered by state or local merit systems and by the teacher tenure act.

Business and Labor.

By Reps. Campbell and Turnham:

H. 651. To amend Section 22-21-4, Code of Alabama 1975, which relates to annual audits of books of publicly owned medical institutions, so as to include regional mental health centers and boards.

Health.

By Rep. Campbell (With Notice and Proof):

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 652, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 653, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bennett (With Notice and Proof):

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 654, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Brakefield and Naramore (With Notice and Proof):

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Local Legislation. No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 656. Relating to Mobile County: To provide for funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 657. Relating to Mobile County: To provide for funds for the general funds of the several incorporated municipalities in Mobile County for a county health department, including acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 657, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 658. To repeal Act No. 544, S. 602, approved September 7, 1967, Regular Session 1967 (Acts 1967, p. 1294), entitled "An Act To provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census requiring contributions by Mobile County to the Mobile County Board of Health."

Local Legislation No. 3.

By Rep. Zoghby:

H. 659. To repeal Act No. 751, S. 599, approved September 8, 1967, Regular Session 1967 (Acts 1967, p. 1606), entitled "An Act to provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; requiring contributions by incorporated municipalities in such counties."

Local Legislation No. 3.

By Reps. Bedsole, Penry, Harper (T), Dixon, Gafford, McCorquodale, Patton, Shoemaker, Reed, Laird, Zoghby, Edwards, Cosby, Bowling, Letson, McMillan, Sandusky, Hines, Turnham, Williams and Carothers:

H. 660. To provide civil remedies against adults and against the parents or guardians of a minor who commit the crime of theft in the first degree, or second degree or third degree where merchandise is the subject of the theft; and to provide that the provisions of this act do not prohibit any other civil or criminal remedies.

Judiciary.

By Reps.: McMillan, Cates, Owens, Venable, Sasser, Moore, Adams (C), Edwards and Shoemaker:

H. 661. To amend section 34-24-230 of the Code of Alabama 1975 relating to definitions as used in the regulation of podiatry, so as to amend further certain definitions.

Health.

By Rep. McKee:

H. 662. To amend Code of Alabama, 1975, Section 16-25-11, which relates to the Teachers' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Ways and Means.

By Rep. Riddick:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local

act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

Local Government.

By Rep. Riddick (With Notice and Proof):

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC §214, as implemented by regulations of the Department of State.

Local Legislation No. 4

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 664, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lewis:

H. 665. To levy an additional tax on tobacco or cigarette rolling papers that are sold separately and authorize the Department of Revenue to issue such regulations, including but not limited to, the preparation and distribution of stamps denoting the tax, as are necessary to fulfill the purposes of this act.

Ways and Means.

By Reps. Dixon and McKee:

H. 666. To prohibit the payment of public assistance to unwed mothers with dependent children.

State Administration.

By Reps. Dixon, Grouby, Cates and Venable:

H. 667. To amend Section 6-5-332 of the Code of Alabama 1975 which limits the liability of certain "Good Samaritans" rendering aid at the scene of an accident so as to provide further for those included under such section.

State Administration.

By Reps. Kennedy, Turner, Parker, Stewart, Warren, McKee, Grouby, Buskey, McMillan, Zoghby, Howard, Albright, Harper (T), and Turnham:

H. 668. To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

Judiciary.

RESOLUTION

The following resolution was introduced:

By Reps. Dial, Shoemaker, Ford, Johnson (R. G.), Barton and Kelley:

H. J. R. 81. NAMING THE ARMORY AT CHILDERSBURG, ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

WHEREAS, Brigadier General Ivan R. Smith is a native of Gadsden, in Etowah County, Alabama; he is a graduate of Cottonwood High School, Cottonwood, Alabama, of Jacksonville State University, with BS and AB Degrees awarded in 1951 and the University of Alabama where he earned his DMD Degree in 1957; and

WHEREAS, commissioned as a Second Lieutenant in Field Artillery upon completion of Senior ROTC training, General Smith entered active duty in August 1951 and, following assignment with the 92nd Armored Field Artillery Battalion, Korea, was released from active duty and attached to the 3052nd USAR School in Birmingham; his 10 military decorations include the Bronze Star, the Korean Service Medal with 3 Service Stars, the Army Commendation Medal, Expert Medical Badge and the Faithful Service Medal of Alabama with 2 Maltese Crosses; and

WHEREAS, General Smith joined the Alabama Army National Guard and was promoted to Captain in 1959; during his prestigious career with the Guard, General Smith has served in numerous assignments on command levels, with promotions through grade to that of Brigadier General in October of 1976 in his present assignment as Assistant State Adjutant General, HHD (-Detachment 1) AL ARNG; and

WHEREAS, General Smith's civilian associations are many and include such offices as past president of the Childersburg Rotary Club, the Childersburg Chamber of Commerce, Talladega Dental Society and of the Alabama Section of the American Colleges of Dentists; he additionally holds membership and has served on the board of numerous civic, social and professional organizations; and

WHEREAS, he also is a Mason and a Shriner, a past member of the Childersburg City Council and a longtime member of the Childersburg First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of his active military service, meritorious service with the Alabama Army National Guard and deep civic involvement, we hereby name and designate the armory at Childersburg, Alabama, "The General Ivan R. Smith Armory."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect appropriate signs and markers so designating said armory as "The General Ivan R. Smith Armory."

RESOLVE FURTHER, That a copy of this resolution be sent to General Smith that he may be advised of this honorary designation in appreciation of outstanding service to our country and to the State of Alabama.

On motion of Rep. Dial, the rules were suspended and the resolution, H. J. R. 81, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McCorquodale:

H. R. 82. HONORING MRS. SARA CANDY ALEXANDER OF GROVE HILL IN CLARKE COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. McKee:

H. J. R. 83. CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4A STATE INDOOR TRACK CHAMPIONS.

WHEREAS, for the third consecutive year, the Montgomery, Alabama, Robert E. Lee Generals have captured the State 4A Crown for Boys' Indoor Track; and

WHEREAS, superbly coached by Pat Snell, Lee's thirteen participants racked-up a total of 39 points, the most scored overall by competing 4A teams, statewide; the Generals took first place in the 440 yard dash, the 880 yard run, high jump and the 60-yard high hurdles, with one second place in the mile relay, two "thirds" in the long jump and the pole vault, and placed fifth in three events—the 440, 880 and the high jump; and

WHEREAS, not only did Robert E. Lee's Herman Baughns set a new state record of 48.84 seconds for the 400 yard dash, but also was named the meet's MVP for the second year in a row; and

WHEREAS, with three straight 4A titles to their credit, the Robert E. Lee Generals are indeed to be commended for outstanding accomplishment in competition with some of the finest track stars in the State of Alabama; Coach Snell, too, is to be congratulated, both for his extraordinary coaching skill and for his unique and enviable talent that enables him to motivate and challenge young athletes to new heights of achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Montgomery's Robert E. Lee High School, Boys' State 4A Indoor Track Champions for 1980 and, unbelievably, for the third time in a row.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Clinton Carter for appropriate school display with copies also provided for Coach Snell and for each member of the team.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Rep. Harper (T):

H. J. R. 84. MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL.

WHEREAS, J. A. "Gussie" Wintzell was a lifetime citizen of Bayou La Batre; and

WHEREAS, Mayor Wintzell was the only mayor that the city of Bayou La Batre has ever had; and

WHEREAS, Mayor Wintzell was truly concerned with the well-being of the citizens of Bayou La Batre; and

WHEREAS, the untimely and tragic death of Mayor Wintzell has left the entire community deeply saddened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature regrets and grievously mourns the untimely death of Mayor J. A. "Gussie" Wintzell and extends its heartfelt sympathy to his family.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Mayor Wintzell's family.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Rep. Holmes:

H. J. R. 85. EXPRESSING APPRECIATION TO DR. DAVID BRONNER FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Dr. David Bronner, Secretary-Treasurer of the State Employees Retirement System, has served brilliantly in said capacity and, to such a degree, that the System serves as a model, nationwide, as being both financially and actuarially sound; and

WHEREAS, appointed Finance Director by Governor Fob James, Dr. Bronner made great strides toward bringing fiscal responsibility to our state's government through implementation of numerous cost-saving procedures at all levels and in all departments and agencies of the State of Alabama; and

WHEREAS, in his capacity as Financial Advisor to the Governor, Dr. Bronner continued his constant guard over public funds, remaining at all times fair and impartial to all citizens of the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. David Bronner for meritorious service to the State of Alabama, voicing our deep appreciation for his concern for the financial well-being of the citizens of this state to whom our public funds belong.

BE IT FURTHER RESOLVED, That Dr. Bronner be presented with a copy of this resolution, in token of appreciation and in praise, and as evidence of the high regard in which he is held by the Alabama Legislature.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 85.

DIVISION OF THE QUESTION

Rep. Naramore called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 85, and the motion was lost, lacking a four-fifths vote.

Yeas 22; Nays 20.

Yeas:

Mr. Speaker, Buskey, Cheatwood, Cosby, Dixon, Grouby, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kelley, Langford, McMillan, Smith (C), Smith (J), Stewart, Turnham, Warren, Willis and Wyatt.

—22

Nays:

Reps.: Brakefield, Cates, Cobb, Cooley, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harvey, Lewis, Moore, Naramore, Parker, Patton, Payne, Pegues, Rains and Turner.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 85, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporation and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Buskey, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cosby, Dial, Drinkard, Edwards, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McKee, Manley, Mitchell, Moore, Naramore, Penry, Reed, Sandusky, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Ward, Warren, Whatley, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Cabaniss, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Olive, Parker, Penry, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Wyatt.

—55

And the bill:

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harper (T), Holmes, Kelley, Langford, Letson, McMillan, Manley, Moore, Naramore, Olive, Parker, Patton, Penry, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Clark, Cobb, Coburn, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Kelley, Kennedy, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Penry, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Willis and Zoghby.

—53

Nay: Rep. Langford.

—1

And the bill:

H. 191. (With Amendment): Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Was taken up.

The question then was on the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 191 on Page 1, Section 1, line 17, by striking \$300.00 and inserting in lieu thereof, \$250.00.

And the amendment was adopted.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cobb, Coburn, Cosby, Drinkard, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Patton, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—55

Nay: Rep. Parker.

—1

And the bill, H. 191 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Bowling Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cobb, Coburn, Cosby, Drinkard, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Patton, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—55

Nay: Rep. Parker.

—1

And the bill:

H. 193. (With Amendment): Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 193 on Page 1, Section 1, line 19, by striking \$300.00 and inserting in lieu thereof, \$250.00.

And the amendment was adopted.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Bowling Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cosby, Drinkard, Gafford, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Patton, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—52

Nay: Rep. Gilmer.

—1

And the bill, H. 193 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Bowling Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Gafford, Greer, Grouby, Hall, Harper (O), Harper (T), Horn, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley,

Minus, Moore, Naramore, Patton, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—51

Nay: Rep. Parker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Drinkard, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Parker, Patton, Penry, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 236. Relating to Mobile County; providing for the position of super-numerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Clark, Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Kennedy, Letson, Lewis, McKee,

McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turner, Venable, Whatley, Williams, Willis and Zoghby.

—56

And the bill:

H. 409. (With Amendments): Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 409 on Page 1, Line 9, by striking \$36,900.00 and inserting in lieu thereof, \$30,000.00.

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Bowling Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cosby, Drinkard, Edwards, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Kennedy, Letson, Manley, Minus, Naramore, Owens, Parker, Patton, Penry, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Turner, Venable, Whatley, Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation, No. 3, said committee amendment being as follows:

Amend H. B. 409 on Page 1, Section 1, lines 20 and 21 by striking thirty six thousand nine hundred dollars (\$36,900.00), and inserting in lieu thereof, thirty thousand dollars (\$30,000.00).

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Bowling Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Drinkard, Edwards, Gafford, Greer, Grouby, Hall, Harper (O), Harper (T),

Horn, Kelley, Kennedy, Letson, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Patton, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turner, Venable, Whatley, Williams, Willis and Zoghby

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 409 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Greer, Grimsley, Hall, Harper (O), Harper (T), Horn, Kelley, Kennedy, Letson, Manley, Minus, Naramore, Nevett, Owens, Parker, Patton, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 525: Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harper (T), Horn, Kelley, Kennedy, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Turner, Venable, Whatley, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bennett, Biddle, Bowling Brakefield, Buskey, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Edwards, Gafford, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Horn, Kennedy (Y), Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Sasser, Seibels, Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on Special Order.

And the bill:

H. 540. (With Substitute): To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act. No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crises use, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis use, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available all funds not otherwise appropriated or committed in the Alabama Special Educational Trust Fund and the State General Fund and all other State funds to pay the cost-of-living increases authorized by Act No. 79-540 and Act No. 79-724, both of which were adopted at the 1979 Regular Session, and to provide funds for emergency and crisis usage. It is further the legislature's intention that neither the Alabama Special Educational Trust Fund nor the General Funds shall be placed in proration by virtue of the appropriations made by this Act and such appropriations are hereby expressly limited to the extent necessary to avoid such proration in either fund.

Section 2. For the purpose of providing funds to pay the cost of living increase authorized by Act No. 79-540, adopted at the 1979 Regular Session, and for emergency and crisis usage, the state budget officer shall neither be required to establish nor maintain an unappropriated ending balance in the Alabama Special Educational Trust Fund on, and for the fiscal year ending September 30, 1980, and the sum of \$11,447,537.00 provided in Act No. 79-540 to be maintained as an unappropriated balance is hereby appropriated, to such extent as the said sum is available at September 30, 1980, for payment of the cost of living increase in accordance with the provisions of Act No. 79-540 and the cost of living increase for state employees and officials as authorized by and in accordance with Act No. 79-724 adopted at the 1979 Regular Session, and for emergency or crisis usage. To the extent that such funds are needed to pay the increase authorized by Act No. 79-724 or are needed for an emergency or crisis, then such funds are hereby appropriated for the fiscal year ending September 30, 1980, from the Alabama Special Educational Trust Fund for such purpose from all unappropriated revenues and unencumbered appropriations which would otherwise lapse and which together would otherwise result in an ending balance in the Alabama Educational Trust Fund on and for the fiscal year ending September 30, 1980.

Section 3. It shall be the duty of the Governor to determine when an emergency or crisis exists in the State. When such emergency or crisis exists the Governor shall direct the Finance Director to make a financial analysis of the availability of any and all fund balances not otherwise appropriated or committed in the State Treasury. If it is determined that funds are available, the Governor is hereby authorized to use such funds as are necessary to alleviate the emergency or crisis.

Section 4. There is hereby appropriated from the State General Fund and all other State funds, to the extent necessary to pay the maximum cost of living increase authorized by Act No. 79-540, together with the amounts appropriated in Section 1 of this Act, and to pay for emergency or crisis uses, all unappropriated revenues and unencumbered appropriations which would otherwise lapse and which together would otherwise result in an ending balance in the General Fund and all other State funds on or for the fiscal year ending September 30, 1980.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 540:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available all funds not otherwise appropriated or committed in the Alabama Special Educational Trust Fund and the State General Fund, all other state funds and existing trust funds to pay the cost-of-living increases authorized by Act No. 79-540 and Act No. 79-724, both of which were adopted at the 1979 Regular Session, and to provide not more than \$28 million in funds for emergency and crisis usage in the state Medicaid System. It is further the legislature's intention that neither the Alabama Special Educational Trust Fund, the General Fund, any other state funds or existing trust funds shall be placed in proration by virtue of the appropriations made by this Act and such appropriations are hereby expressly limited to the extent necessary to avoid such proration in any such fund.

Section 2. There is hereby created a Medicaid Emergency Council to deal with the state Medicaid crisis. Said council shall be composed of the Governor, Lieutenant Governor and the Speaker of the House of Representatives. The members shall serve until their successors are elected. The council shall meet from time to time on call of the Governor. A majority of the members shall constitute a quorum.

It shall be the duty of the Governor to call a meeting of the Medicaid Emergency Council in the event of an energy crisis or when he deems it necessary to consider the necessity of allocating any funds to the Medicaid System. At any meeting called by the Governor, he shall submit to the council in writing his recommendation for the allocation of any part of the funds available for the Medicaid System. The council shall consider said recommendation and make such investigations as it deems necessary or proper, and review and determine if there are funds not otherwise appropriated or committed in the Alabama Special Educational Trust Fund, the state General Fund, all other state funds and existing trust funds. In the event a majority of the council shall approve the Governor's recommendation, it shall by proper resolution adopt said recommendation and order the transfer, use or expenditure of the amount so recommended; and the state comptroller shall be authorized, upon receipt of a certified copy of said resolution signed by the Governor to transfer to the proper department, institution, agency, or official, the fund authorized to be allocated. Any member shall be authorized at any meeting

of the council to propose in writing a different allocation or a different amount to be allocated to any department, institution, or agency of the State of Alabama for the aid of the Medicaid System or to meet any emergency regarding Medicaid funding. In the event a majority of the council approves by proper resolution the proposed allocation of any part of said fund, the allocation of the same shall be authorized as above provided.

Section 3. For the purpose of providing funds to pay the cost-of-living increase authorized by Act No. 79-540, adopted at the 1979 Regular Session, and not more than \$28 million for emergency and crisis usage in the Medicaid System, the state budget officer shall neither be required to establish nor maintain an unappropriated ending balance in the Alabama Special Educational Trust Fund on, and for the fiscal year ending September 30, 1980, and the sum of \$11,447,537.00 provided in Act No. 79-540 to be maintained as an unappropriated balance is hereby appropriated, to such extent as the said sum is available at September 30, 1980, for payment of the cost-of-living increase in accordance with the provisions of Act No. 79-540 and the cost-of-living increase for state employees and officials as authorized by and in accordance with Act No. 79-724 adopted at the 1979 Regular Session, and not more than \$28 million for emergency or crisis usage in the funding of state Medicaid. To the extent that such funds are needed to pay the increase authorized by Act No. 79-724 or are needed for an emergency or crisis in the funding of state Medicaid, then such funds are hereby appropriated for the fiscal year ending September 30, 1980, from the Alabama Special Educational Trust Fund for such purpose from all unappropriated revenues and unencumbered appropriations which would otherwise lapse and which together would otherwise result in an ending balance in the Alabama Special Educational Trust Fund on and for the fiscal year ending September 30, 1980.

Section 4. There is hereby appropriated from the state general fund, all other state funds, and existing trust funds, to the extent necessary to pay the maximum cost-of-living increase authorized by Act No. 79-540, together with the amounts appropriated in Section 1 of this Act, and to pay for emergency or crisis uses in the state Medicaid System, all unappropriated revenues and unencumbered appropriations which would otherwise lapse and which together would otherwise result in an ending balance in the general fund and all other state funds on or for the fiscal year ending September 30, 1980.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and cease to have any validity or effect after September 30, 1980.

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute offered by Rep. Owens to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 540:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intention of the legislature to make available the sum of \$11,447,537 provided as unappropriated ending balance in Act 79-540 to be used and is hereby appropriated for payment of the cost-of-living increase for the fiscal year ending September 30, 1980, in accordance with the provision of Act No. 79-540. It is further the intention of the legislature and hereby appropriated to the extent necessary as authorized by Act No. 79-724 from the General Fund of Alabama or from any departmental budgets from which state employees are paid such amounts as are necessary for state employee pay increases as authorized by Act No. 79-724 of the 1979 Regular Session.

Section 2. For the purpose of providing funds for emergency payment to Medicaid through the fiscal year ending September 30, 1980, the legislature authorizes and hereby appropriates from such reserves as may accrue from the General Fund of the state of Alabama and from such reserves as may exceed the amounts required by law for the state Insurance Fund, such amounts as are available and as may be determined by the Governor to be necessary for the operation of Medicaid through September 30, 1980. In the event that the available balances in the General Fund of Alabama and the state Insurance Fund should be insufficient, the Governor shall have the power to use and there is hereby appropriated other state funds except those which had a zero balance on September 30, 1979, for the purpose of fully funding Medicaid through September 30, 1980.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. McCorquodale, the substitute offered by Rep. Johnson (Roy) was tabled.

Yeas 49; Nays 43.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Gafford, Gilmer, Greer, Grouby, Hammett, Harrison, Kelley, Lewis, McKee,

McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—49

Nays:

Reps.: Adams (C), Albright, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Grimsley, Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Naramore, Nevett, Patton, Rains, Shavers, Smith (C), Stout, Trammell, Tucker, Turner, Turnham, Warren and Wyatt.

—43

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 81. NAMING THE ARMORY AT CHILDERSBURG, ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

Also:

H. J. R. 83. CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4A STATE INDOOR TRACK CHAMPIONS.

Also:

H. J. R. 84. MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Also:

H. 447. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayneville in Lowndes County, Alabama.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

McDOWELL LEE,
Secretary.

H. 540 RESUMED

The question was then on the adoption of the substitute offered by Rep. Owens to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 540, and the substitute was adopted.

Yeas 55; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Cabaniss, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grouby, Hammett, Harrison, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—55

Nays:

Reps.: Albright, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Patton, Rains, Reed, Shavers, Smith (C), Smith (M), Trammell, Turner, Turnham and Wyatt.

—36

AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 540 as amended:

Amend Substitute to Substitute to H. B. 540, Section 7, Page 4, line 32 by adding after the phrase "September 30, 1980." the following sentence: This Act shall be repealed September 30, 1980.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—87

MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Smith (M), to postpone further consideration of the bill, H. 540 as amended, to the tenth legislative day, was tabled.

Yeas 63; Nays 32.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—63

Nays:

Reps.: Albright, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Colley, Crow, Goodwin, Hall, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Naramore, Nevett, Rains, Smith (C), Smith (M), Trammell, Tucker, Turner, Turnham and Wyatt.

—32

AMENDMENT OFFERED

Rep. Wyatt offered the following amendment to the bill, H. 540 as amended:

Amend Substitute to W & M Substitute for H. 540 by creating a new Section 5 and renumbering all subsequent sections.

Section 5. Any use of funds involving the payment of salaries of educational personnel from funds other than the Special Educational Trust Fund shall be repaid to the appropriate fund or funds from the Special Educational Trust Fund no later than September 30, 1981.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Wyatt to the bill, H. 540 as amended, was tabled.

Yeas 55; Nays 42.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Bowling, Cabaniss, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grouby, Harper (T), Harrison, Kelley, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—55

Nays:

Reps.: Adams (C), Albright, Bennett, Boles, Brakefield, Buskey, Cheatwood, Cobb, Crow, Daniels, Drinkard, Ford, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, Minus, Nevett, Patton, Rains, Riddick, Shavers, Smith (C), Smith (M), Trammell, Tucker, Turner, Turnham and Wyatt.

—42

AMENDMENT OFFERED

Rep. Holley offered the following amendment #1 to the bill, H. 540 as amended:

Amend Substitute for H. B. 540, Section 1, by striking present section one and inserting in lieu therefor the following:

Section 1. It is the intention of the legislature to make all reserves in the Special Educational Trust Fund available for teachers' salaries in accordance with the provision of Act No. 79-540. It is further the intention of the legislature to make available for state employee cost-of-living raises all available funds from the General Fund and such departmental funds as may be necessary to pay cost-of-living raises as provided by Act No. 79-724. In no case, however, shall Special Educational Trust Fund monies be used for payment to state employees nor shall General Fund monies be used for payment to teachers and support personnel. It is the intention of the legislature that such funds as may exist outside of the Special Educational Trust Fund for the fiscal year ending September 30, 1980, be made available and is hereby appropriated for the operation of Medicaid through the fiscal year ending September 30, 1980.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment #1 offered by Rep. Holley to the bill, H. 540 as amended, was tabled.

Yeas 52; Nays 44.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Edwards,

Gafford, Gilmer, Greer, Grouby, Harper (T), Harrison, Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Adams (C), Albright, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Naramore, Nevett, Patton, Rains, Shavers, Smith (C), Smith (M), Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—44

AMENDMENT OFFERED

Rep. Holley offered the following amendment #2 to the bill, H. 540 as amended:

Amend by deletion page 2, Section 2, Lines 20, 21 and 22 the following sentence: "The members shall serve until their successors are elected. The council shall meet from time to time on call of the Governor.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Year 91; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Boles, Bowling Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—91

Nay: Rep. Holmes.

—1

And the bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and

for the other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 30.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis and Zoghby.

—66

Nays:

Reps.: Adams (C), Albright, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cooley, Daniels, Drinkard, Ford, Goodwin, Grimsley, Hall, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Naramore, Patton, Rains, Smith (C), Tucker, Turner and Wyatt.

—30

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Johnson (R. G.) voting "Nay" on the bill, H. 540, having inadvertently voted "Yea".

And the bill:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—76

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Turnham,

Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 86. NOTING THE OCCASION OF MR. BILL WELCH'S 81st BIRTHDAY.

SPECIAL ORDER RESUMED

And the bill:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

Was taken up.

SUBSTITUTE OFFERED

Rep. Pegues offered the following substitute to the bill, H. 600:

A BILL
TO BE ENTITLED
AN ACT

To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

Be It Enacted by the Legislature of Alabama:

Section 1. Every recipient of medical assistance under the Alabama Medicaid Program shall be deemed to have made assignment to the State of Alabama of any and all rights of his to medical support or payments for medical care from any person, firm or corporation, together with the rights of any other individuals eligible for medical assistance for whom he can legally make assignment. This assignment shall be effective to the extent of the amount of medical assistance actually paid by the medicaid agency. The recipient shall cooperate fully with the medicaid agency in its efforts to secure such rights, and shall execute and deliver all instruments and papers needed by the medicaid agency in this regard.

Section 2. Every recipient of medical assistance under the Alabama Medicaid Program shall be deemed to have authorized all third parties, including insurance companies and providers of medical care, to release to the medicaid agency all information needed by the agency to secure or enforce its rights as assignee under the previous Section 1.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Howard, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—76

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 119. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Also:

H. 120. Relating to St. Clair County; to provide for the salaries of certain county officials; to provide for its retroactive effect; and to provide for a referendum election to be held pursuant to Amendment 196 of the Constitution of Alabama of 1901.

Also:

H. 121. Relating to St. Clair County; to provide for an additional expense allowance for the county coroner and to provide for its retroactive effect.

Also:

H. 214. To repeal Act No. 589, So. 842, approved May 12, 1977, Regular Session 1977 (Acts 1977, p. 783), entitled, "An Act Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office."

Also:

H. 215. Relating to Calhoun County; providing for the rate of mileage compensation paid to individuals by the county commission.

Also:

H. 216. Relating to Calhoun County; amending Act No. 73, H. 43, Second Special Session 1978 (Acts of Alabama, 1978, p. 1759), relating to a lodging and public accommodation tax in said county, so as to provide that the county and municipalities therein shall be authorized to spend revenues generated from such tax to contract with persons, firms, corporations, or other private or public entities for the exclusive purpose of promoting and developing tourism and conventions in said county and municipalities.

Also:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Act 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

Also:

H. 219. Relating to Calhoun County; fixing the fee for insurance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 410. Relating to Crenshaw County; to provide clerk hire allowance for the Tax Assessor and Tax Collector and to give this act retroactive effect.

Also:

H. 484. Relating to St. Clair County; to amend the title and sections 3, 4, 6, 9, 10, and 13 of Act No. 243, H. 509, of the 1979 Regular Session which provides for a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board, to provide further for certain obligations of the county commission and municipalities, and to provide further for suspension procedures; and to repeal section 8 of said act.

Also:

H. J. R. 72. MOURNING THE TRAGIC DEATH OF KATHERINE ELIZABETH FOSTER.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles has been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 436. Providing for the establishment of a merit system for the county and municipal law enforcement officers, full-time firemen, radio operators, jailers and law enforcement support personnel in Marion County; and providing for a merit system board governing the removal and official conduct of such county and municipal employees.

Also:

H. 447. To alter, arrange and extend the boundary lines and corporate limits of the municipality of Hayneville, in Lowndes County, Alabama.

Also:

H. J. R. 81. NAMING THE ARMORY AT CHILDERSBURG, ALABAMA, "THE GENERAL IVAN R. SMITH ARMORY."

Also:

H. J. R. 83. CONGRATULATING THE ROBERT E. LEE GENERALS OF MONTGOMERY, ALABAMA, 1980 BOYS' 4A STATE INDOOR TRACK CHAMPIONS.

Also:

H. J. R. 84. MOURNING THE DEATH OF MAYOR J. A. "GUSSIE" WINTZELL

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 168. To amend Section 8-15-7, Code of Alabama 1975, which relates to bond requirements relative to the operation of public warehouses, so as to provide further for the amount of such bonds, and to require the applicant for such bonds to furnish legal proof of Warehouseman's Legal Liability Insurance on the commodities stored in such warehouses as a prerequisite to the issuance of such bonds.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harrison, Holley, Horn, Howard, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramoore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—77

Nay: Rep. Rains.

—1

And the bill:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medical Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Biddle, Brakefield, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Howard, Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Seibels,

Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—65

Nays:

Reps. Albright, Bennett, Coburn, Hall, Harrison, Holley, Langford, Naramore, Starkey and Wyatt.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 12. DESIGNATING THE PARAMOUNT THEATRE IN MONTGOMERY, ALABAMA, AS OUR STATE'S OFFICIAL THEATRE FOR THE PERFORMING ARTS.

Also:

S. J. R. 33. MOURNING THE DEATH OF MR. E. FRANK SANDERS, PROMINENT SOUTH BALDWIN COUNTY BANKER AND CIVIC LEADER.

Also:

S. J. R. 26. COMMENDING DR. AND MRS. SOLON DIXON AND APPROVING THE NAMING OF AUBURN UNIVERSITY'S NEW FORESTRY EDUCATION CENTER IN THEIR HONOR.

Also:

S. J. R. 27. HONORING MRS. CHARLES DIXON AND NAMING THE AUDITORIUM AT THE SOLON DIXON FORESTRY EDUCATION CENTER, THE "CHARLES DIXON AUDITORIUM."

Also:

S. J. R. 30. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF MR. LEO MARTIN, SR., OF NATCHITOCHES, LOUISIANA.

Also:

S. J. R. 32. HONORING REX McDOWELL, DIRECTOR OF THE LEGISLATIVE FISCAL OFFICE.

Also:

S. J. R. 35. ANNOUNCING THE LEGISLATURE'S SUPPORT FOR CARE OF THE INDIGENT ELDERLY AND DISABLED.

Also:

S. J. R. 37. EXPRESSING THE LEGISLATURE'S APPRECIATION TO TVA OFFICIALS AND PLEDGING ITS FULL SUPPORT OF THE AUTHORITY'S PROPOSED "MURPHY HILL SITE" IN MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 38. NOTING THE OCCASION OF ROTARY INTERNATIONAL'S 75TH ANNIVERSARY.

Also:

S. J. R. 39. HONORING MRS. KATE SIMMONS UPON HER RETIREMENT.

Also:

S. J. R. 42. COMMENDING THE ALABAMA A & M SOCCER TEAM, 1979 NATIONAL CHAMPIONS.

Also:

S. J. R. 43. Commending the University of South Alabama's Basketball team, and Coach Cliff Ellis, for winning the Sun Belt Conference Championship for the second year in a row.

Also:

S. J. R. 48. MOURNING THE DEATH OF FRANKLIN CORBIN EVANS, PROMINENT CHOCTAW COUNTY JURIST.

Also:

S. J. R. 49. HONORING THE REVEREND DAVID CHESTER MASON, SENIOR, OR CHOCTAW COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Minus:

H. J. R. 87.

WHEREAS, Ray Seaborn Hamrick, Sr. put down roots in Sumter County in 1932; and

WHEREAS, he was married to the former Ruby Huffman for 47 years until his death on Sunday morning, February 24, 1980; and

WHEREAS, he became a prominent cattle dealer in Livingston, a deacon in his Baptist Church and served as a financial director for many years. He was a member and served as a director of the Alabama Farm Bureau Federation for a number of years and was a member of the Alabama Cattlemen's Association; and

WHEREAS, in a recent interview, Mr. Hamrick commented on life in his adopted Sumter County. "I've been happy and grateful for our life here. I just wish there were more hours in a day. There's still a lot of work I want to see done."

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members do hereby extend their sincerest sympathy to his wife, Ruby; his son, Ray S. Hamrick, Jr.; his daughter, Katherine H. Quinn; his numerous nieces and nephews; and to his many friends.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 87, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 593. (With Amendment): To provide for the designated state medicaid agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 593, Page 2, Lines 8 through 10, by deleting Section 3 in its entirety and renumbering remaining sections accordingly.

SUBSTITUTE OFFERED

Rep. Pegues offered the following substitute to the bill, H. 593 with pending amendment:

A BILL TO BE ENTITLED AN ACT

To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act provides for the Pensions and Security agency to issue to all eligibility recipients, a special color picture medicaid identification card, which shall be separate from and entirely distinct from the valid

color picture driver license or non-driver identification card. The medicaid identification card shall be issued only on presentation of proper identification and evidence of medicaid eligibility. The identification card shall be used as identification to providers of medical service, and the identification card shall contain a suitable medium which when used with a suitable data processing system, can provide real-time verification of medicaid eligibility by the provider.

Section 2. The Pensions and Security agency shall make provision for adequate protection of the confidentiality of the medicaid recipient.

Section 3. The provisions of this Act are not severable if any part of this Act is declared invalid or unconstitutional, the entire Act shall be declared invalid or unconstitutional.

Section 4. The provisions of this Act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal regulations applicable to the Medicaid Program which would cause the State of Alabama to become ineligible to receive federal medicaid funds.

Section 5. This Act shall become effective January 1, 1981 upon passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby

—75

And the bill:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley,

Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—75

Nays: Reps. Carter, Hall and Wyatt.

—3

And the bill:

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Biddle, Brakefield, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nays:

Reps. Albright, Bennett, Cheatwood, Crow, Hall, Harper (O), Harrison, Johnson (Roy), Langford, Rains and Tucker.

—11

And the bill:

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

Rep. Tucker offered the motion to indefinitely postpone the bill, H. 596, and the motion was lost.

Yeas 10; Nays 68.

Yeas:

Reps. Albright, Buskey, Hall, Harrison, Horn, Kennedy, Langford, Nevett, Rains and Stout.

—10

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

And the bill, H. 596, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 11.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

Nays:

Reps.: Albright, Buskey, Cheatwood, Crow, Harrison, Hilliard, Horn, Langford, Nevett, Rains and Tucker.

—11

And the bill:

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

Nays:

Reps.: Albright, Cheatwood, Crow, Harrison, Hilliard, Holley, Langford, Payne, Rains and Stout.

—10

RESOLUTION

The following resolution was introduced:

By Rep. Sandusky:

H. J. R. 88. RENAMING THE HALL-PILLANS SCHOOL THE PALMER PILLANS SCHOOL.

WHEREAS, Palmer Pillans was born in Mobile and lived all of his ninety-nine years there; and

WHEREAS, Palmer Pillans was a very successful school board attorney for seventy years; and

WHEREAS, Palmer Pillans maintained the standard of excellence in the law firm which his father had started; and

WHEREAS, Palmer Pillans was a man who exemplified leadership, and served as President of the Bar Association, the Chamber of Commerce, and the Rotary Club in Mobile; and

WHEREAS, Palmer Pillans set an example for all young people to follow; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the School Board be hereby instructed to rename the Hall-Pillans Middle School in Mobile County The Palmer Pillans School, to honor one of Mobile's greatest citizens.

The resolution, H. J. R. 88, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Biddle, Bowling Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues,

Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—79

Nays: Rep. Rains.

—1

And the bill:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the personal resources of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Was taken up.

AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, H. 602:

Amend H. 602 as follows:

On page one, in lines 11 and 12 and 21 and 22 delete the words "personal resources" and insert in lieu thereof the words:

earned and unearned income

In line 30 delete the words "personal resources" and insert in lieu thereof the words:

earned and unearned income

In lines 31 and 32, delete the words: "personal resources, including social security, pensions and retirement moneys" and insert in lieu thereof the following:

earned and unearned income

On page one, in line 36 after the word "program." add the following sentence:

Supplemental Security Income grants (S.S.I.), the personal needs allowance, and sheltered workshop earnings shall not be deemed to be "earned income" for the purposes of this act and these shall be excluded from the provisions of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton,

Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

And the bill:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Biddle, Bowling Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—75

Nays: Reps.: Cheatwood and Harrison.

—2

RESOLUTION

The following resolution was introduced:

By Reps.: Johnson (Roy), Barton, Mitchell and Owens:

H. J. R. 89. NAMING THE ATHLETIC FIELDS AT J. O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

WHEREAS, Mr. Joe L. Hutt, though a native of Hale County, Alabama, has been a permanent resident of Tuscaloosa since 1946 and, since 1948, has owned and operated his own business known as Joe L. Hutt, General Contractor, Incorporated; and

WHEREAS, a member of the First United Methodist Church and the Bill Brandon Bible Class, Mr. Hutt has also served at various times as a member of the Official Church Board; he is an active member of both the Dollarhide Hunting Club and the Tuscaloosa Coon Hunters and is the 1978 recipient of the Tuscaloosa Civitan Citizen of the Year Award; and

WHEREAS, Joe L. Hutt, widely known for his deep involvement in numerous civic and community affairs, has devoted the majority of his time, for many years, to activities related to boys' baseball programs; he was instrumental in building the first regulation baseball field in Tuscaloosa, personally donated poles for the lighting system and solicited donations and funds for the actual lights; and

WHEREAS, he further was greatly responsible for building the Little League Fields at Snow Hinton Park, coached the Little League "Yankees" for 13 years and served as one of the coaches of an American Legion baseball team for a number of years as well as organizing efforts to obtain the manager and the necessary equipment for such an endeavor; and

WHEREAS, as an avid sports enthusiast and in appreciation for long years of service to the athletic programs of Tuscaloosa, it is indeed fitting that Mr. Hutt be appropriately honored for such devoted service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new athletic fields at J. O. Bowers Park in Tuscaloosa, Alabama, are hereby named and designated as "The Joe L. Hutt Athletic Fields."

BE IT FURTHER RESOLVED, That the proper officials are hereby directed to erect and maintain appropriate signs and markers so designating said fields as "The Joe L. Hutt Athletic Fields," and that Mr. Hutt receive a copy of this resolution as a memento of this honorary designation by the Alabama Legislature.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 89, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:10 P.M. on March 4, 1980.

H. J. R. 65

H. 119

H. 120

H. 121

H. 214

H. 215

H. 216

H. 217

H. 219

H. 410

H. 484

H. J. R. 72

H. 436

H. 447

H. J. R. 81

H. J. R. 83

H. J. R. 84

H. 168

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 79, heretofore adopted, the House adjourned until 11:00 o'clock A.M., Thursday, March 6, 1980.

Yeas 42; Nays 39.

Yeas:

Reps.: Adams (H), Biddle, Boles, Bowling Brakefield, Buskey, Campbell, Carothers, Clark, Cobb, Cooley, Cosby, Daniels, Ford, Gafford, Goodwin, Greer, Grimsley, Hilliard, Holley, Horn, Johnson (Roy), Kennedy, Langford, Letson, Manley, Minus, Moore, Patton, Penry, Reed, Roberts, Sasser, Shavers, Starkey, Stout, Trammell, Tucker, Turner, Turnham, Whatley and Williams.

—42

Nays:

Reps.: Adams (C), Amari, Barton, Cabaniss, Carter, Cates, Cheatwood, Crow, Dial, Dixon, Drinkard, Grouby, Hammett, Harper (O), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Seibels, Shoemaker, Smith (C), Stewart, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

—39

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 6, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Francis Cusack, St. Pius X Catholic Church, Mobile, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell,

Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—99

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 90. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Thursday, March 6, 1980, we adjourn to meet again on Tuesday, March 18, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 90, was adopted.

LEAVES OF ABSENCE

At the request of Rep. Naramore, leave of absence was granted for Rep. Brakefield.

At the request of Rep. Manley, leave of absence was granted for Rep. Coburn, due to illness.

At the request of Rep. Howard, leave of absence was granted for Rep. Harrison, due to personal reasons.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 91. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 6, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Commendation and Sympathy Resolutions

Introduction of Bills

Uncontested Local Bills

By Rep. Pegues:

H. 360. p. 83 State health planning and development agency.

By Rep. Pegues:

H. 361 p. 83 State health authorities.

By Rep. Pegues:

H. 362. p. 84 Ala. Highway Finance Corporation.

By Rep. Hilliard:

H. 363. p. 84 Ala. Highway Authority.

By Rep. Hilliard:

H. 364. Governor's Committee, Employment of Handicapped.

By Rep. Pegues:

H. 365. p. 85 State Forestry Commission.

By Rep. Whatley:

H. 366. p. 86 Dauphin Island Bridge Authority.

By Rep. Hammett:

H. 367. p. 86 Abolish state board of pensions and security.

By Rep. Hilliard:

H. 368. p. 87 Terminate Ala. Turnpike Authority.

By Rep. Pegues:

H. 369. p. 87 Dept. of Insurance of the State of Alabama.

By Mr. Pegues:

H. 370. p. 87 Alabama Dairy Commission.

By Mr. Pegues:

H. 371. p. 88 Alabama Dairy Commission.

By Rep. Cosby:

H. 372. p. 89 Ala. Water Improvement Commission.

By Rep. Pegues:

H. 373. p. 89 Statewide health coordinating council.

By Rep. Whatley:

H. 374. p. 90 State Radiation Control Agency, Radiation Advisory Bd.

By Rep. Cosby:

H. 375. p. 90 Alabama water well standards board.

By Rep. Pegues:

H. 376. p. 91 Aeronautics Commission.

By Rep. Whatley:

H. 377. p. 91 State of Alabama Anatomical Board.

By Rep. Cosby:

H. 378. p. 92 Terminate State Toll Bridge Authority.

By Rep. Whatley:

H. 379. p. 92 Terminate Ala. Board of Barber Examiners.

By Rep. Cosby:

H. 380. p. 93 Alabama Alcoholic Beverage Control Board.

By Rep. Whatley:

H. 381. p. 95 Terminate Ala. boxing and wrestling commission.

By Rep. Hammett:

H. 382. p. 96 Abolish Mental Health Board.

By Rep. Pegues:

H. 383. p. 97 Ala. Public Service Commission.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 91, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-141, relating to the levy and amount of the motor carrier fuel tax; § 40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; § 40-17-145, relating to payment of tax; § 40-17-146, relating to disposition of proceeds of tax; § 40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; § 40-17-149 relating to books and records; § 40-17-151, relating to sales without liability for tax on the part of distributor; and § 40-17-155, relating to penalties.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 469. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

H. 649. To amend § 12-19-150, Code of Alabama 1975, to provide that a judge may, in the interest of justice, enter an order dismissing the case prior to trial upon the condition that the docket fee and other court costs be paid; and to provide an effective date.

H. 209. To amend Section 14-11-8, Code of Alabama 1975, which provides for introduction into or possession in penal institutions of drugs so as to make the introduction of marijuana a felony.

H. 509. To amend section 15-22-28 of the Code of Alabama 1975 relating to parole and eligibility of certain inmates for parole, so as to provide new standards of eligibility of inmates for parole; to provide further for parole procedures; specifically to repeal sections 14-9-1, 14-9-2, and 14-9-20 through 14-9-25 of the Code of Alabama 1975 relating to deductions of sentences and commutation of sentences; and to repeal any other laws or parts of laws in conflict with the provisions of this act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 240. (With Amendment): To further amend Section 15-5-8 of the Code of Alabama, 1975, as amended, which section relates to when a search warrant may be executed so as to allow a search warrant to be executed at any time day or night unless restricted.

H. 668. (With Amendment): To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 44. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances in violation of the Alabama Uniform Controlled Substances Act, sections 20-2-1 through 20-2-93, Code of Alabama 1975; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 558. (With Substitute) (With Amendment): To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 308. (With Amendments): To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 384. (With Substitute): To amend Section 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, and to capture the color of the motor vehicle in state and county records.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 586. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 139 (With Substitute) (With Amendment): To authorize the Alabama Department of Public Safety to regulate wreckers and towing services when engaged in a service in which a state trooper is involved by devising a rotational list; prohibits solicitation by wreckers; forbids display of favoritism by state troopers in selecting wrecker service; and establishes penalties for violation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 582. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

H. 251. To require state agencies that report annually to the Governor to include in their report the name of the printer, where it was printed, and the cost of the report.

H. 577. To prescribe that it is unlawful for any person to knowingly permit his automobile or other motor vehicle, or to park or cause to be parked any unattended automobile or other motor vehicle on state property; to authorize capitol security police officers and other authorized persons to

remove, tow or impound any such motor vehicle; to provide for certain prima facie presumptions against the registered owner of the motor vehicle; and to provide penalties for violations of the provisions of this act in the same manner as prescribed in Section 32-5-312 of the Code of Alabama 1975.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 300. (With Amendment): To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 426. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

H. 416. To change the name of Jefferson State Junior College, which is located in Jefferson County, to the name, "Jefferson State College"; and to repeal and supersede section 16-3-37, Code of Alabama 1975 only to the extent that it conflicts with the provisions of this act.

H. 505. To amend Section 41-16-51, Code of Alabama 1975, which provides for contracts for which competitive bidding is not required, so as to permit a medical clinic board to purchase, lease or acquire personal property or services without competitive bids.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Amendment): Relating to elections; to provide further for the filing of financial statements of candidates; and for such purpose to amend Code of Alabama 1975, Sections 17-22-5 and 17-22-9.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 189. (With Substitute) (With Amendment): To amend the Uniform Standards Code of Mobile Homes Act codified into Sections 24-5-1 to 24-5-15, Code of Alabama 1975 to set up standards identical to those standards for mobile homes set up by the Federal Government.

Rep. Holley, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 530. (With Substitute): To prohibit trains from entering any area where there is a threat of rising water due to inclement weather conditions.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

RESOLUTION

The following resolution was introduced:

By Reps. Riddick and Smith (M):

H. J. R. 92. COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

WHEREAS, in recognition of outstanding achievement, the Alabama Legislature notes with extraordinary pride the Dixie World Series Championship captured by the Huntsville East Allstars for 1979; and

WHEREAS, following five straight "wins" in district competition and four state games without a loss, the Huntsville East Allstars, a 16-18 year old girls' softball team went four-for-four in the Dixie Debs World Series to bring home the Championship to Huntsville and to the State of Alabama; and

WHEREAS, by virtue of their championship, the Huntsville East Allstars also won the honor of host status for the 1980 Dixie Debs World Series which will be held in Huntsville; and

WHEREAS, under the direction of Coaches Joe Hopkins and Glenda Kidd and Manager Gene Lusk, the Huntsville East Allstars and World Series Champions are: Tammy Bentley, Karen Fisher, Susan Gattis, Sandy Harshaw, Janet Hornsby, Missy Lackey, Beverly Langford, Joan Martin, Becky Parker, Laura Petty, Jenny Rhoads, Laurie Roach, Betsy Rowden, Diane Sharp, Beth Thigpen and Cindy Webb; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and warmly congratulate the Huntsville East Allstars on their Dixie World Series Championship for 1979; we further voice our appreciation for the fame and honor they have brought to the entire State of Alabama, both as Champions and as Hostesses for the 1980 World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the manager and coaches, and to the Huntsville East Allstars, in token of appreciation and in praise of their outstanding accomplishment.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 92, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith (C):

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Education.

By Rep. Mitchell:

H. 670. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of fire fighters and the related manner and procedures for compensation of such.

Ways and Means.

By Reps. Smith (C) and Whatley:

H. 671. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Agriculture and Forestry.

By Reps. Smith (M), Zoghby, Hilliard, Horn, Naramore, Johnson (Roy), Sasser, Harper (T), Kennedy, Reed, Whatley, Letson, Howard, Gilmer, and Patton:

H. 672. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Advisory Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of revenues; to make an initial appropriation from the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection

with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to exempt the bureau and commissioner from the public bid laws and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; and to prescribe penalties for certain violations and crimes.

Ways and Means.

By Rep. Cheatwood:

H. 673. To establish and define the right of professionally certificated personnel employed by the respective boards of education to join, organize, and designate representatives of their own choosing for the purpose of negotiating with their employer; to state a purpose; to establish public policy; to define certain terms; to provide for recognition of professional employees' organizations for purposes of professional negotiation; to prohibit interference with, restraint or coercion of, and discrimination against any person due to the exercise of rights under the Act; to provide for inclusion or exclusion of certain supervisory personnel in a negotiating unit; to provide for negotiations; to provide for agreements and their effect; to provide for resolution of impasse; to provide for certain appearances before the board of education; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

State Administration.

By Rep. Cheatwood:

H. 674. To name this Act; to declare as legislative findings that vehicles whose gross weight exceeds 70,000 pounds cause excessive damage to public roads; to declare the need for additional revenues for maintenance due to such damage; to impose a tax of one cent per ten pounds of weight in excess of 70,000 pounds for each one hundred miles travelled over public roads by such vehicles; to require the owners of such vehicles to make a return to the Department of Revenue each month for each vehicle for which the tax is due showing the computations of the amount due and remitting the tax due; to require the owners to keep suitable records for determining the tax due and to keep such records open for inspection by the Department of Revenue; to make the failure to file the reports or keep the records required by this Act a misdemeanor punishable by a \$100 fine for each offense; to provide for notice of delinquency to the taxpayer by the Department of Revenue and for the assessment of a 25 percent penalty for such delinquent returns; to provide for an additional assessment of a 10 percent penalty and interest of one percent per month on late payment of taxes due; to provide for the examination of returns and procedures for assessment of refunds or deficiencies and a penalty of 25 percent of the tax due for evasion of payment; to provide for notice of assessment, appearances, hearings and appeals; to provide for tax liens, execution and garnishment; to provide for suspension or revocation of certificates of public convenience and necessity or permits upon delinquency; to mandate a penalty for various violations of this Act; to apportion one-half the funds collected to the State Highway Fund, one quarter to the counties where the taxed vehicles are registered and one quarter to the municipalities in such counties to be apportioned among them on the basis of population; to exempt state, county and municipal vehicles from the provisions of this Act; to provide for severability; and to provide an effective date.

Ways and Means.

By Reps. Willis and Crow (With Notice and Proof):

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hilliard (With Notice and Proof):

H. 676. To provide funding for Birmingham-Jefferson County Transit Authority, a public corporation organized under Act No. 993 of the 1971 Regular Session of the Legislature of Alabama (the "Transit Authority"), by levying in Jefferson County, Alabama (the "County"), a privilege or license tax, generally parallel to the State sales tax, upon persons engaged in the County in any business subject to the State sales tax, and to levy an excise tax, generally paralleling the State use tax, on the storage, use or other consumption in the County of tangible personal property purchased at retail; to provide that the said privilege or license tax is required to be passed on to the consumer or purchaser at retail, to the extent provided for in this act; to provide for the making of reports or returns and the keeping of records with respect to the taxes herein levied; to provide that the exemptions applicable to the State sales tax statutes and the State use tax statutes, as said statutes may from time to time be amended, shall be applicable respectively to the said privilege or license tax and the said excise tax; to confer power to administer the act upon the Director of Revenue or other officer or employee of the County charged with the duty of collecting county business license taxes or other license taxes now or hereafter required by law to be paid; to provide for the collection of the taxes levied by this act; to authorize the said Director of Revenue, or other county officer or employee collecting said business license taxes or other license taxes as aforesaid, to enforce such collection by civil suit, injunction, and accounting, or any of them; to provide that the taxes levied by this act shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, other license taxes, and municipal assessments; to provide for the enforcement of the lien of the taxes levied by this act; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such tax may appeal from the assessment to the Circuit Court of Jefferson County, and to prescribe the procedure of such appeal; to provide that from the proceeds collected each month from the taxes herein levied there shall first be paid into the general treasury of the County a specified percentage to compensate the County for the administration, collection, and enforcement expenses relating to such taxes, and the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the County and the general treasury of the County on the basis of the ratios of the population of each municipality residing in the County and in the unincorporated areas of the County to the total population in the County (based on census figures); to provide that each such municipality in which regularly scheduled transit service is provided or made or available and the County shall pay over from such tax proceeds or other funds to the Transit Authority,

or any successor thereto an amount equal to the payor's share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the County or a municipality or municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the Director of Revenue of the County shall thereafter pay directly to the Transit Authority the share which such municipality or municipalities or the County, as the case may be, would otherwise have received; to repeal Sections 3 through 10 and Section 12 of Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this Act shall be severable.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 676, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 677, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper (O), Grimsley, Turner, Edwards, Shavers, Hall, Laird, Cobb, Rains, Harvey, Minus, Willis, Crow, Wyatt, Blake, Naramore, Venable and Cosby:

H. 678. To amend Section 36-26-36 of the Code of Alabama 1975 so as to further provide for the payment of accrued sick leave to state merit system employees at the time of retirement.

Ways and Means.

By Reps. Dixon, Daniels and Penry:

H. 679. To provide for the district attorney for the Fifteenth Judicial Circuit to be a "duly authorized authority" for purposes of receiving reports of child abuse or neglect in such circuit and further provides that the department of pensions and security in such circuit shall report child abuse or neglect or suspected child abuse or neglect to the chief of police of a city or county of such circuit, followed by a full written report; or to the sheriff if the observance of child abuse or neglect or suspected child abuse or neglect is made in an incorporated territory, followed by a full written report; and further to provide that the department of pensions and security shall report child abuse or neglect or suspected child abuse or neglect to the district attorney of such circuit in which the observation of child abuse or neglect or suspected child abuse or neglect is made, followed by a full written report.

Judiciary.

By Reps. Warren and McCorquodale (With Notice and Proof):

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Howard, Lewis, Hilliard, Boles and Tucker:

H. 681. To authorize, regulate and provide for the payment of compensation by the State of Alabama to the surviving dependents of elected officials of the state, counties and municipalities who are killed or whose death results from a criminal act while engaged in the performance of their duties; to authorize, regulate and provide for the payment of compensation by the State of Alabama to elected officials of the state, counties and municipalities who become totally disabled as a result of a criminal act as a consequence of the performance of their duties; to define terms; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; and to provide funding for said claims for compensation.

Ways and Means.

By Reps. Carothers, Ray, Williams and Grimsley:

H. 682. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying and engineering services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

State Administration.

By Rep. Hines:

H. 683. To make an additional appropriation to the state Board of Corrections from the state general fund for salaries and other operating expenses for the fiscal year ending September 30, 1980.

Ways and Means.

By Rep. Zoghby (With Notice and Proof):

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the county Commission of Mobile County, Alabama and the automatic increase of such fees.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 684, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 685, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

The above bill was read a first time at length as required by the Constitution.

By Rep. Gafford:

H. 686. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Gafford:

H. 687. To propose an amendment to the Constitution of Alabama of 1901 to require that each employed person and every employer pay a monthly per capita sum on himself and on each employee and every self-employed person pay an equal amount into the general fund of the state to be used for the funding of medicare and medicaid programs.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Owens:

H. 688. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

Ways and Means.

By Rep. Owens:

H. 689. To make an appropriation from the state treasury for the relief of Russell Beasley.

Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Dixon:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Barbour County Highway No. 79 from its intersection of Highway 82 and its intersection with Highway 30 be and is hereby designated and named the Wycott Plantation Memorial Highway.

BE IT FURTHER RESOLVED That the State Highway Department is hereby requested to place appropriate markers thereon.

On motion of Rep. Dixon the rules were suspended and the resolution, H. J. R. 93 was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Kennedy:

H. R. 94. HONORING THE REVEREND FLEET L. BELLE, PASTOR, MOUNT PLEASANT BAPTIST CHURCH, MOBILE, ALABAMA.

Also:

By Rep. Kennedy:

H. R. 95. COMMENDING THE MEMBERSHIP OF MOUNT PLEASANT BAPTIST CHURCH OF MOBILE, ALABAMA.

BILLS ON THIRD READING

And the bill:

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Was read a third time at length and passed.

Yeas 36; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Drinkard, Gafford,

Gilmer, Grimsley, Grouby, Hall, Harper (O), Laird, McKee, Manley, Moore, Naramore, Payne, Pegues, Ray, Sasser, Shavers, Trammell, Turnham, Venable, Ward, Whatley and Wyatt.

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Nay: Rep. Stewart.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 603 RECONSIDERED

Having voted on the prevailing side, Rep. Cobb offered the motion to reconsider the vote by which the bill, H. 603, was passed, and the motion to reconsider was adopted.

And the bill, H. 603, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Carter:

H. J. R. 96. TO SET LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R. 34, Regular Session 1980, is hereby repealed.

PROVIDED FURTHER, That when the legislature adjourns on Thursday, March 6, the legislature adjourns to meet again on Wednesday, March 12, at one o'clock p.m.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Carter offered the motion to suspend the rules and adopt the resolution, H. J. R. 96.

DIVISION OF THE QUESTION

Rep. Manley called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Carter to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 96, and the motion was lost, lacking a four-fifths vote.

Yeas 56; Nays 20.

Yeas:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Grouby, Hall, Harper (T), Harvey, Hilliard, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Shavers, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Warren, Whatley, Willis and Wyatt.

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Nays:

Mr. Speaker, Bowling, Cabaniss, Campbell, Carothers, Cooley, Dial, Grimsley, Harper (O), Holley, Kelley, Manley, Naramore, Pegues, Sasser, Starkey, Waggoner, Ward, Williams and Zoghby.

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The resolution, H. J. R. 96, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 360. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive,

Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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And the bill:

H. 361. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 362. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Cates, Clark, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

And the bill:

H. 363. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 364. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turner:

H. R. 97. COMMENDING THE MEMBERSHIP OF THE JUNIOR WOMAN'S CLUB OF CITRONELLE, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Harper (T):

H. J. R. 98. NAMING THE J. A. WINTZELL MEMORIAL BRIDGE.

WHEREAS, Mr. J. A. Wintzell was a lifelong resident of the city of Bayou La Batre; and

WHEREAS, Mr. Wintzell was the only Mayor that the city of Bayou La Batre has ever had; and

WHEREAS, Mayor J. A. Wintzell passed away recently and will be remembered always for his service to the citizens of Bayou La Batre; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on State Highway 188 crossing Bayou La Batre be hereby named the J. A. Wintzell Memorial Bridge.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Mr. Wintzell's family.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. J. R. 98, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 365. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—70

And the bill:

H. 366. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Cheatwood.

—1

And the bill:

H. 367. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

Was taken up.

SUBSTITUTE OFFERED

Rep. Drinkard offered the following substitute to the bill, H. 367:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the state board of pensions and security. Based on its review and evaluation of the said board, the Sunset Committee voted to recommend the continuance of the said department, created and functioning pursuant to Title 38 of the Code of Alabama 1975, and hereby recommends the continuance of the said board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Title 38 of the Code of Alabama 1975, relating to the board of pensions and security of the State of Alabama is hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Hammett to table the substitute offered by Rep. Drinkard to the bill, H. 367, was lost.

Yeas 23; Nays 57.

Yeas:

Mr. Speaker, Cabaniss, Carter, Clark, Cosby, Gafford, Hammett, Hilliard, Kelley, McMillan, Minus, Olive, Payne, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (J), Venable, Ward, Whatley and Zoghby.

—23

Nays:

Reps.: Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Moore, Naramore, Nevett, Parker, Patton, Penry, Rains, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—57

The question was then on the substitute offered by Rep. Drinkard to the bill, H. 367.

MOTION TO POSTPONE LOST

The motion offered by Rep. Hilliard to temporarily postpone consideration of the bill, H. 367, with pending substitute was lost.

Yeas 33; Nays 53.

Yeas:

Mr. Speaker, Barton, Buskey, Cabaniss, Campbell, Clark, Cosby, Dial, Edwards, Gafford, Gilmer, Grouby, Hammett, McKee, Manley, Minus, Olive, Owens, Payne, Pegues, Riddick, Roberts, Sandusky, Sasser, Smith (J), Starkey, Stewart, Tucker, Venable, Waggoner, Ward, Whatley and Zoghby.

—33

Nays:

Reps.: Adams (H), Amari, Bennett, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin,

Grimsley, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Penry, Rains, Ray, Reed, Shavers, Shoemaker, Smith (C), Smith (M), Stout, Trammell, Turner, Turnham, Warren, Williams, Willis and Wyatt.

—53

SUBSTITUTE ADOPTED

The question was again on the adoption of the substitute offered by Rep. Drinkard to the bill, H. 367, and the substitute was adopted.

Yeas 55; Nays 29.

Yeas:

Reps.: Adams (H), Amari, Barton, Bennett, Blake, Bowling, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Penry, Rains, Reed, Riddick, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Warren, Williams, Willis and Wyatt.

—55

Nays:

Mr. Speaker, Cabaniss, Campbell, Carter, Clark, Cosby, Dial, Gafford, Grouby, Hammett, Kelley, McMillan, Manley, Minus, Olive, Owens, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Smith (J), Starkey, Venable, Waggoner, Ward, Whatley and Zoghby.

—29

And the bill:

H. 367. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 29.

Yeas:

Reps.: Adams (H), Amari, Barton, Bennett, Blake, Bowling, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Penry, Rains, Reed, Riddick, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Warren, Williams, Willis and Wyatt.

—57

Nays:

Mr. Speaker, Cabaniss, Campbell, Carter, Clark, Cosby, Dial, Gafford, Gilmer, Hammett, Kelley, McKee, McMillan, Manley, Olive, Owens, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Smith (J), Starkey, Venable, Waggoner, Ward, Whatley and Zoghby.

—29

And the bill:

H. 368. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinakard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

And the bill:

H. 369. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—82

And the bill:

H. 370. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Bennett, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nays: Reps.: Albright and Shavers.

—2

And the bill:

H. 371. (With Amendment): Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50, 2-13-56 and 2-13-64 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers, price hearings, and penalty provisions for regulation of milk and dairy products, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products, to provide for price hearings to allow a single hearing for the entire state, and to provide further for the penalty for distributors who fail to pay producers within a specified time, and to repeal existing laws.

Was taken up.

SUBSTITUTE OFFERED

Rep. Pegues offered the following substitute to the bill, H. 371, with pending amendment reported by the Standing Committee on Sunset:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, The Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Dairy Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, with the additional provisions to: (a) increase the maximum bonding requirement to \$200,000 for distributors, dealers, processors and handlers of milk and dairy products; (b) to authorize price hearings for the entire state in lieu of present marketing areas; and (c) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Dairy Commission pursuant to Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, are hereby continued.

Section 3. Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 2-13-50. (a) The dairy commission shall have the power to fix minimum or maximum prices or both for fluid milk and fluid-milk products within each respective milk-marketing area at any or all points in the production-consumption sequence of transactions. Such prices shall apply to all sales in each area, whether at wholesale or retail, regardless of where the milk is produced.

"(b) The commission shall also have the power to fix minimum or maximum charges or both within each respective milk-marketing area for any service or function related to the production and marketing of milk, when such charges are involved in transactions between or among licensees.

"(c) The commission shall regularly conduct studies of all pertinent factors to determine what reasonable costs must be considered in establishing price controls most conducive to maintaining an adequate supply of wholesome milk for consumers in Alabama. For this purpose, the commission may employ independent accountants or accounting firms and authorize them to study, examine and reproduce any and all records of licensees engaged in any aspect of the milk industry in Alabama.

"(d) In fixing minimum prices for milk in its various grades and uses, the commission shall determine what reasonable costs are incurred by producers and producer associations and shall consider the relationship of supply and demand as well as other economic and logistic conditions existing in the several markets and localities throughout the state. Different minimum prices may be fixed for milk produced in different areas but sold in the same area or for milk produced in one area and sold in other areas, depending on distances involved or on other logistic or economic variables. The minimum prices established for milk in any of its forms, grades or uses shall not be higher than is reasonably necessary to cover the costs of ordinarily efficient and economic operations, plus a reasonable return on investment.

"Reasonable costs incurred by each store handling fluid-milk products in a given area may be determined by surveying a representative sample of all similar stores in the area.

"At stores handling other commodities in addition to fluid-milk products, in the absence of satisfactory evidence to the contrary, costs of handling milk may be applied on the same basis as costs applied to the business as a whole.

"(e) Before fixing prices for milk or charges for services, the commission shall hold public hearings either in the marketing area or areas affected, or, in its discretion, at a single hearing for the entire state, and hear evidence under oath relative to the prices or charges to be fixed. Notice of such hearing or hearings shall be given to interested parties, including consumers, by announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appeal at least once, not less than 10 days nor more than 30 days prior to the date set for the hearing or hearings. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified.

"(f) At price-control hearings, consumers shall be entitled to offer evidence and to be heard the same as persons engaged in the milk industry. In fixing prices and charges, each commissioner may consider matters within his own knowledge and within the knowledge of the commission as a whole as well as pertinent or related matters occurring in other milk-marketing areas within or outside the state. After conducting such public hearings, the commission may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

"(g) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the commission may issue an official order fixing reasonable prices and charges.

"(h) The commission may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices or charges, but shall hold a hearing or hearings and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the commission.

"(i) After considering evidence at a public hearing or hearings, the commission may adopt and put into full force and effect an economic formula for adjusting minimum producer prices in response to changes in pertinent economic indices. Changes in minimum producer prices resulting from application of such an economic formula shall be effective and enforceable the same as if they had been expressly set by the commission as a result of a public hearing or hearings.

"If the commission should adopt such an economic formula, it may, in the public interest, temporarily suspend application of the formula or it may amend or revoke the formula. Action to amend or revoke the formula shall be taken only after receiving evidence at a public hearing or hearings."

"§ 2-13-56. (a) For the purpose of this section, the words 'distributor,' 'producer-distributor' and 'processor' shall include subsidiaries and affiliates of a parent distributor, producer-distributor or processor, whether they are individually incorporated or are divisions of the parent organization. For the purpose of this section, the word 'principal' means any person required to file a bond with the commission.

"(b) It shall be unlawful for a distributor, producer-distributor, dealer, processor or handler to purchase, acquire or receive milk from producers on consignment or otherwise unless such person shall file with the commission a corporate surety, individual surety or collateral bond approved by the commission.

"(c) A corporate surety bond shall be executed to the state of Alabama by the principal and by a corporate surety company. An individual surety bond shall be executed to the state of Alabama by the principal and by one or more individuals, as surety or sureties, who shall have sole title to real estate, the fair value of which, free and clear or in excess of all encumbrances, shall be at least equal to the amount of the bond. A collateral bond shall be executed to the state of Alabama by the principal setting forth therein the collateral posted with such bond and having attached thereto the collateral properly assigned and transferred to the state of Alabama. The collateral posted with such bond shall be secured by an actual deposit of money with the commission or with a bank, bank and trust company or national bank within the state of Alabama to the full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government, of this state or of any political subdivision of this state or by any other security or securities approved by the commission. The security or securities deposited shall constitute a trust fund for producers from whom the principal purchases or receives milk.

"(d) Only one bond need be filed by a parent organization to cover two or more subsidiary principals operating in Alabama.

"(e) The commission may grant to any principal the privilege of substituting for his bond, surety or collateral another bond, surety or collateral; provided, that such substitute bond, surety or collateral meets all the requirements of this section.

"(f) The bond required by this section shall be filed by the principal together with his application for license or renewal of license within the time for filing such application. The bond shall be an obligation independent of the granting of a license and shall remain in full force and effect during the designated license year as long as the principal purchases or receives milk from producers or is indebted to them for any milk delivered during the license year, whether or not a license has been granted to the principal or whether or not a license granted continues to remain in force.

"(g) Any bond filed with the commission shall become effective upon being filed, whether or not it is approved by the commission. The commission shall have no power to reject any corporate surety bond issued by a company authorized to do business in the state as surety. A bond filed with the commission shall be effective for the entire license year or for that part of the year in which the principal became engaged in the milk business. Such bond shall become ineffective during the license year only when it has been replaced by a bond approved by the commission to be substituted therefor.

"(h) The bond shall be conditioned for payment by the principal, upon such terms and conditions as the commission may prescribe, of all amounts due under this article and the orders of the commission for milk purchased or otherwise acquired from producers by the principal during the license year. Within a reasonable time after the close of the license year, the commission shall determine if the principal has paid all amounts protected by the bond and shall then return to the principal his bond for the past license year. The commission shall have the power, in its discretion, to institute a civil action on the bond on behalf of producers with unpaid claims. Such civil action may be brought in the name of the commission or of the attorney general or of the state of Alabama or in any manner as debts are now recoverable by law.

"(i) Except as otherwise provided in this section, the bond shall be in a sum equal to the value of the highest aggregate amount of milk purchased, acquired or received by the principal from producers in any one month during

the preceding calendar year, including that purchased, acquired or received from out-of-state producers for sale as fluid milk within Alabama. Value shall be computed according to lawful prices for milk produced in Alabama and according to any applicable official prices or any lawful contract price for milk produced outside Alabama, but in no event shall the bond exceed \$100,000.00 \$200,000.00.

"(j) When required by the commission, a principal shall submit a verified statement of his disbursements and any other required information for periods prescribed by the commission. Such statements shall include the names of producers from whom milk was purchased, acquired or received, on consignment or otherwise, the amounts due producers and any other relevant facts required by the commission pertinent to the principal's surety or sureties.

"(k) If it shall appear from the principal's statement of disbursements or from facts otherwise ascertained by the commission that the principal's bond does not adequately protect the producers who supply him with milk, the commission may require the principal to furnish an additional bond, additional surety or additional security for a collateral bond in a sum to be determined by the commission. Such sum shall not exceed 50 percent of the value of the highest aggregate amount of milk purchased, acquired or received, on consignment or otherwise, by the principal from producers in any one month during the preceding or current year, which value shall be computed according to the prices applicable, or such sum shall not exceed 50 percent of the amount found to be due and owing to producers by the principal on a particular date determined by the commission, whichever sum is greater. The total increase, however, shall not exceed \$50,000.00. If the principal involved pay producers in full each week, the total increase shall be not more than 25 percent of the value of milk or the amount owed, whichever is greater, not to exceed \$25,000.00.

"(l) The commission may grant a reduction of the bond or the collateral or release an additional surety if it appears that, owing to a decrease in demand or to other factors, such a reduction in bond, surety or collateral will still leave producers adequately protected.

"(m) All bonds, together with any moneys or securities given as collateral therefor, received by the commission from principals pursuant to the provisions of this section shall be transmitted by the commission to the state treasurer for safekeeping, subject to withdrawal in whole or in part at any time by the commission.

"(n) The principal shall be entitled to all moneys received by the state treasurer as interest or dividends upon any security or securities deposited by the principal as collateral, except if the commission has on file a valid, unpaid claim of a producer against the principal.

"(o) The commission shall prescribe the procedure for the payment, out of the proceeds of any bond or collateral required by this section, of the amounts due to producers and others for sales or deliveries of milk to the principal. If the proceeds of a principal's bond or collateral are insufficient to pay in full all valid claims, the proceeds shall be divided pro rata among the claimants.

"(p) A cooperative agricultural association or corporation organized under the laws of Alabama, or an association organized under the laws of Alabama in which producers hold membership or an association organized under the laws of Alabama which holds written authority from producers to

act as agent or representative in purchasing or marketing producer milk shall be deemed a producer within the provisions of this section and shall be entitled to its benefits. Such an association or corporation, if operated for the benefit of producers under contract with it and not conducted for profit, shall not be required to file a bond under the provisions of this section."

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 2.

Yeas:

Mr. Speaker, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Redd, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

Nays: Reps.: Albright and Shavers.

—2

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 371 as amended:

On line 15, page 4 remove the period after the word "affected" add a comma and the words "and members of the legislature by mail."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt, and Zoghby.

—61

Nays: Rep. Shavers.

—1

And the bill:

H. 371. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 4.

Yeas:

Mr. Speaker, Amari, Blake, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—64

Nays: Reps.: Albright, Hall, Riddick and Shavers.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Rep. Robertson:

S. J. R. 66. TO SET LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R 34, Regular Session 1980, is hereby repealed.

PROVIDED FURTHER, That when the legislature adjourns on Thursday, March 6, the legislature adjourns to meet again on Wednesday March 12.

McDOWELL LEE,
Secretary.

SENATE MESSAGE SUBSTITUTE OFFERED

Rep. Carter offered the following substitute to the resolution, S. J. R. 66, set out in the above and foregoing Message from the Senate:

TO SET LEGISLATIVE DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT H. J. R. 34, Regular Session 1980, is hereby repealed.

PROVIDED FURTHER, That when the legislature adjourns on Thursday, March 6, 1980, the legislature adjourns to meet again on Tuesday, March 11, 1980, and on Wednesday, March 12, 1980, and on Thursday, March 13, 1980.

SUBSTITUTE ADOPTED

And the substitute was adopted.

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 66 as thus amended.

SPECIAL ORDER RESUMED

And the bill:

H. 372. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Blake, Buskey, Cabaniss, Campbell, Carothers, Cates, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Laird, Langford, Letson, Lewis, McMillan, Minus, Moore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 373. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Amari, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—70

And the bill:

H. 374. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

And the bill:

H. 375. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which sections requires surety bond from applicants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—65

Nays: Rep. Holley.

—1

And the bill:

H. 376. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 377. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—71

And the bill:

H. 378. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—70

And the bill:

H. 379. To repeal Sections 34-5-1 through 34-5-16, as amended, of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Board of Barber Examiners, and to provide for an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Naramore offered the following substitute to the bill, H. 379:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset

Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the said commission with a complete reorganization of the present board of barber examiners, and to repeal Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, under which the present board operates.

Section 3. The existence and functioning of the Alabama Board of Barber Examiners is hereby continued as herein provided in Sections 4 through 19.

Section 4. "The Practice of Barbering" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

Section 5. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

Students entering barber school must register with the State Barber Board and furnish current health certificate, and pay application fee of five dollars (\$5.00).

The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the said board and shall include both practical demonstrations, written and oral test in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

Section 6. Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a

barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructors certificate by paying the annual renewal fee as this act prescribes. All future instructors will be subject to all provisions of this act relating to instructors or assistant instructors.

All state operated barber colleges shall be exempt from fees.

Section 7. No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all the following:

- (1) He files an application with the board in such form as it may prescribe, accompanied by the required fee.
- (2) He is of good moral character and temperate habits.
- (3) He holds a diploma evidencing successful completion of high school, or has the equivalent education determined by an examination conducted by the board and approved by the Vocational Educational Division of the Department of Education.
- (4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.
- (5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.
- (6) He satisfactorily passes an examination conducted by the board to determine his fitness to be an instructor.
- (7) All instructors and assistant instructors must complete a forty (40) hour advanced training course semi-annually. This course will be under the supervision of the State Barber Board.

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant's certificate of registration.

Section 8. No person shall be admitted to examinations or receive a license to practice barbering under this act, except as otherwise provided in this act, unless such person shall possess the following qualifications:

- (1) He shall pay the original licensing fee as hereinafter provided for;
- (2) He is at least 18 years of age;

(3) He is of good moral character and temperate habits;

(4) He has practiced as a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination, provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 16 years of age;

(3) He is of good moral character and temperate habits;

(4) He has graduated from a barber college or school of barbering approved by the board; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice as a registered apprentice.

Section 9. As used in this act, "Barber College" includes a school of barbering, college of barbering, barbering school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The board shall issue a certificate of registration for each college which complies with this act and regulations of the board.

An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe, accompanied by the fee required by this act. Upon receipt of the application, the board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the board and submit information, in such form as the board may by regulation prescribe, showing:

(1) The location of the proposed college and its physical facilities and equipment;

(2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided;

(3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;

(4) The financial ability of the applicant to operate the college in accordance with the requirements of this act and the regulations of the board; and

(5) Such other information as the board considers necessary.

Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this act and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 10. For the purposes of the act and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which was operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this act, to be a separate college. No such facility shall be operated or maintained by a college until and unless each has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this act paid and a certificate to operate and maintain the particular facility is issued by the board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities;
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities; and
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in persons or by written petition to the board.

No barber college shall be approved by the board unless it requires as a prerequisite to graduation a course or instruction of not less than 1500 hours. The board shall approve all hours of instructions given by any of the state educational institutions and schools.

The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis, diseases of the skin, hair glands, and the massaging and manipulation of the muscle of the body above the seventh cervical vertebra; hair cutting and shaving; and tinting of the hair.

Section 11. The board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of the act upon proof of violation of any sections of the act. The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing on any matter which the board has the authority to investigate, and for that purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found which subpoenas duces tecum shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the Circuit Court of this State. Such fees and mileage shall be paid from the fund of the board on deposit in the treasury for the use of the board in the same manner as other expenses of the board are paid. The board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate, provided, however, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate, and execution may issue therefor in civil cases in the circuit courts of this state.

The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the board are deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given an aggrieved party, said aggrieved person shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery, County. In event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury

by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the board and shall, render such final judgment as to the court may seem just and proper.

In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 12. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year.

The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

Section 13. Any person, firm, corporation who shall engage in any of the practices designated to be within the meaning of this act, or act in any capacity wherein a certificate or license is required without a certificate or license provided in this act, or shall in any other form or manner violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation, shall be punished by a fine of not less than \$500.00. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 14. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

(2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;

(3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$150.00;

(4) For the issuance of the initial certificate to operate a barber college, not to exceed \$500.00;

(5) For such annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$50.00;

(6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

(7) For the restoration of an expired certificate except for a barber college, not to exceed \$50.00;

(8) For the restoration of an expired certificate for a barber college, not to exceed \$100.00;

(9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop; and

(10) For the issuance of any duplicate certificate, \$3.00.

Section 15. Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 16. Receipts and expenses of board. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 17. There is hereby created the Alabama Board of Examiners, to consist of five (5) persons. Such board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for a term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said board may do all things necessary and convenient for enforcing the provisions of this act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this act, and the State Board of Health.

The members of the board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the board. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to ensure the faithful performance of his or her duties as such executive secretary, and the premium on such bond shall be paid out of the funds of the board.

The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board.

Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of his official duties and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel invalued in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operation of this act.

The board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

The said board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or license showing the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with the State Health Department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 18. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Sections 34-5-1 through 34-5-16 and any other laws or parts of law in conflict herewith are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Whatley, the substitute offered by Rep. Naramore to the bill, H. 379, was tabled.

Yeas 40; Nays 38.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Blake, Cabaniss, Clark, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Harvey, Hilliard,

Howard, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Minus, Olive, Owens, Patton, Pegues, Penry, Reed, Roberts, Shoemaker, Smith (J), Stewart, Tucker, Ward, Whatley, Willis and Zoghby.

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Nays:

Reps.: Amari, Barton, Bennett, Buskey, Carothers, Carter, Cates, Cheatwood, Cooley, Goodwin, Grimsley, Harper (T), Holley, Johnson (Roy), Kelley, Kennedy, Lewis, Manley, Mitchell, Moore, Naramore, Nevett, Parker, Payne, Rains, Ray, Sandusky, Sasser, Shavers, Smith (C), Smith (M), Stout, Trammell, Turner, Turnham, Warren, Williams and Wyatt.

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SUBSTITUTE OFFERED

Rep. Mitchell offered the following substitute to the bill, H. 379:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Board of Barber Examiners as presently constituted and functioning under the laws of this state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the substitute offered by Rep. Mitchell to the bill, H. 379, was lost.

Yeas 21; Nays 49.

Yeas:

Reps.: Adams (C), Cabaniss, Clark, Dial, Edwards, Gafford, Grouby, Hammett, Harvey, Howard, Johnson (R. G.), Kelley, Laird, Olive, Pegues, Roberts, Smith (J), Waggoner, Ward, Whatley and Zoghby.

—21

Nays:

Reps.: Amari, Barton, Bennett, Blake, Buskey, Carothers, Carter, Cates, Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Ford, Goodwin, Grimsley, Harper (O), Harper (T), Holley, Johnson (Roy), Kennedy, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Payne, Rains, Ray, Sandusky, Sasser, Shavers, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—49

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 66. TO SET LEGISLATIVE DAYS.

McDOWELL LEE,
Secretary.

H. 379 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Mitchell to the bill, H. 379, and the substitute was adopted.

Yeas 58; Nays 12.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Blake, Buskey, Carothers, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Johnson (Roy), Kennedy, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Rains, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—58

Nays:

Reps.: Adams (C), Cabaniss, Cates, Cosby, Edwards, Gafford, Hammett, Harvey, Hilliard, Johnson (R. G.), Laird and Pegues.

—12

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 379 as amended:

On line 25, page 1 remove the "period" and add the words "For a period of one year."

Further amend the bill on page 2, line 8 by removing the period and adding the words "For a period of one year and The Board shall again be reviewed by the Sunset Committee and said committee shall make a further recommendation under provisions of this act."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—78

Nay: Rep. Rains.

—1

And the bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—77

And the bill:

H. 380. (With Substitute)(With Amendments): Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the retail sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators, the administrator of the Alabama Alcoholic Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in retail sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesaler or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cosby offered the following substitute to the bill, H. 380 with pending substitute and amendments reported by the Standing Committee on Sunset:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board, provided for in Title 28 of the Code of Alabama 1975, and as otherwise, provided by law; relating to the purchase, possession, import, manufacture, distribution and sale of alcoholic beverages and the regulation thereof, in Title 28, Chapter 3 of the Code of Alabama 1975, so as to provide for the sale of alcoholic beverages by private businesses; to provide for a commission, composed of legislators of the Joint Sunset Committee, the administrator of the Alabama Alcoholic Beverage Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in sales of alcoholic beverages; to establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; to establish an alcoholic beverage licensing code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of

the alcoholic beverage control board; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to provide for punishment for crimes; and to repeal specific laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Alcoholic Beverage Control Board. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said board, created and functioning pursuant to Title 28 of the Code of Alabama 1975, with the additional provisions: Provide for the sale of alcoholic beverages by private businesses; provide for a commission composed of legislators, the administrator of the Alabama Alcoholic Beverage Control Board, and the said board, for the purpose of establishing criteria for and overseeing the phase-out of the Alabama Alcoholic Beverage Control Board in sales of alcoholic beverages; establish the Alcoholic Beverage Control Board as advisory in nature except in the licensing and regulating licensees, provided, however, until the complete phase-out period has been accomplished the board will continue as the primary wholesaler in liquor; establish the alcoholic beverage licensing code; further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the Alcoholic Beverage Control Board; provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; authorize the sale of alcoholic beverages by the licensees of the board; prescribe the levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; provide for punishment for crimes; and repeal specific laws or parts of laws in conflict herewith.

Section 2. The existence and functioning of the Alabama Alcoholic Beverage Control Board pursuant to Title 28 of the Code of Alabama 1975, except as directly or indirectly herein modified or repealed, are hereby continued.

Section 3. The following provisions, relating to intoxicating liquor, malt beverages and wine shall be incorporated into Title 28 of the Code of Alabama 1975:

"Section 1. Definitions.—The following words and phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) **ALCOHOLIC BEVERAGES.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic,

and all drinks or drinkable liquors, preparations or mixtures intended for beverages purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

(i) Alcohol does not include denatured or wood alcohol.

(b) ASSOCIATION. A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

(c) BEER. Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

(d) BOARD. The Alcoholic Beverage Control Board.

(e) CARTON.—The package of container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer. CONTAINER.—The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

(f) CLUB. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

(g) CORPORATION. A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

(h) DRY COUNTY. Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of Chapter 2, Title 28 of the Code of Alabama 1975 or held in accordance with the provisions of any act hereafter enacted permitting such election.

(i) DRY MUNICIPALITY. Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of §28-2-22, Code of Alabama 1975, or in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore or hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

“(j) GENERAL WELFARE PURPOSES. (1) The administration of public assistance as set out in §§ 38-2-5 and 38-4-1, Code of Alabama 1975; (2) services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public

assistance may be given under said §§38-2-5 and 38-4-1, Code of Alabama 1975; (3) service to and on behalf of dependent, neglected or delinquent children; and (4) investigative and referral services to and on behalf of needy persons.

"(k) **HEARING COMMISSION.** A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this Act or the regulations of the board.

"(l) **HOTEL.**—A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

"(m) **IMPORTER.**—Any person, association or corporation engaging in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

"(n) **LIQUOR.** Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquors, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer.

"(o) **LIQUOR STORE.** A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

"(p) **LIQUOR WHOLESALE.** One who distributes wholesale, or acts as a jobber for the sale of alcoholic liquor to the board, or as authorized by the board. It does not include table wine and beer.

"(q) **MANUFACTURER.** Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

"(r) **MINOR.** Any person under nineteen years of age.

"(s) **MUNICIPALITY.** Any incorporated city or town of this state.

"(t) **PERSON.** Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

"(u) **POPULATION.** The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation.

"(v) **RESTAURANT.** A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to

consume on the premises. MEAL. A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

"(w) RETAILER. Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

"(x) SALE or SELL. Any transfer of liquor, wine or beer for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration.

"(y) UNOPENED CONTAINER. A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

"(z) WET COUNTY. Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of Chapter 2 of Title 28, Code of Alabama 1975 or other statutes applicable at the time of said election.

"(aa) WET MUNICIPALITY. Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore, now or hereafter enacted permitting municipal option election, or which became wet under the special method referendum provisions of §28-2-22, Code of Alabama 1975 or of this Act where the county has become dry subsequent to the wet status of the municipality.

"(bb) WHOLESALE. Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

"(cc) WINE. All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products. FORTIFIED WINE. Any wine containing more than fourteen (14) percent alcohol by volume but not more than twenty-four (24) percent. TABLE WINE. Any wine containing not more than fourteen (14) percent alcohol by volume.

"(dd) Unless the context clearly indicates otherwise, the term 'license' and the term 'permit' as used herein shall be interchangeable and shall mean that privilege permitted by the State of Alabama for the sale of alcoholic beverage for a stated period.

"Section 2. There is hereby created a commission, composed of the administrator of the Alabama Alcoholic Beverage Control Board, the said Board and legislators of the Joint Sunset Committee, to establish the criteria, the time table and the manner for the board to be phased out of sales activity of alcoholic beverages and establish the free enterprise system therefor. The commission shall be known as the 'ABC Transitional Coordinating Commission.' hereinafter referred to as the 'commission.' It is the legislative intent that this transitional period shall be used to orderly transfer the sale of alcoholic beverages to private businesses.

"Section 3. Each county of the state now designated a 'wet county' and each county now designated a 'dry county' shall remain wet or dry as the case may be until such designation is changed in an election held for that purpose in accordance with provisions of Title 28, Section 2 of the Code of Alabama 1975.

"Section 4. Nothing in this Act shall be construed to repeal any laws applicable to dry counties with respect to the manufacture, importation, distribution, sale or possession in those counties of illicit liquors as defined by Section 28-4-1 of the Code of Alabama 1975.

"Section 5. The issuance of any permits or license, the adoption of and promulgation of necessary rules and regulations regulating such licensing and the enforcement thereof, relating to the manufacture, importation, sale and purchase of any alcoholic beverages shall be administered by the Alabama Alcoholic Beverage Control Board. No employee of the board or commission shall, directly or indirectly, have any interest whatsoever in manufacturing, importing, selling, transporting, distributing, storing, or otherwise dealing in alcoholic beverages, except in the performance of his official duties.

"SECTION 6. Licenses to engage in alcoholic beverage transactions.—Subject to the provisions of this Act and regulations promulgated thereunder, the board is authorized and empowered to issue and renew licenses to reputable and responsible persons for the following purposes:

"(a) To manufacture, brew, distill, ferment, rectify, bottle or compound any or all alcoholic beverages within or for sale within this state.

"(b) To import any or all alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state.

"(c) To distribute, wholesale or act as jobber for the sale of alcoholic liquor.

"(d) To distribute, wholesale or act as jobber for the sale of table wine and beer or either of them, to licensed retailers within the state and others within this state lawfully authorized to sell table wine or beer.

"(e) To store or warehouse any or all alcoholic beverages for transshipment outside the state.

"(f) To sell and dispense at retail in a lounge, liquor and other alcoholic beverages for on-premises consumption.

"(g) To sell and dispense at retail in an establishment habitually and principally used for the purpose of providing meals for the public, liquor and other alcoholic beverages for on-premises consumption.

"(h) To sell liquor and wine at retail for off-premises consumption.

"(i) To sell and dispense at retail in a club, liquor and other alcoholic beverages for on-premises consumption.

"(j) To sell table wine at retail for off-premises consumption.

"(k) To sell table wine at retail for on-premises and off-premises consumption.

"(l) To sell beer at retail for on-premises and off-premises consumption.

“(m) To sell beer at retail for off-premises consumption.

“(n) To sell liquor and other alcoholic beverages at retail by public service companies.

“(o) To sell any or all alcoholic beverages at retail under special license issued conditioned upon terms and conditions and for the period of time prescribed by the board.

“(p) To sell any or all alcoholic beverages at retail under a special event retail license issued for three days upon the terms and conditions prescribed by the board.

“Provided, however, that such licenses may not be issued in dry counties where traffic in alcoholic beverages is not authorized by law, but may be issued in wet municipalities therein. The board is granted broad discretionary powers in acting upon license applications under the provisions of this Code.

“Licenses issued under this Code shall, unless revoked or suspended in the manner provided in this Code, be valid for the license year which shall begin on the 1st day of October of each year, unless otherwise established by this Code or by the board. Licenses may be issued at any time during the year.

“SECTION 7. License application.—Every applicant for an original license issued under this Code shall file a written application with the board in such form and containing such information as the board may prescribe, which shall be accompanied by a non-refundable filing fee of \$50.00, and by the appropriate license fee as prescribed by this Code, together with the amount or amounts of the prescribed license fee or fees, if any, levied or imposed by the county governing body. The filing fee shall not be required for any renewal of the same type of license to the same person.

“SECTION 8. Issuance and Renewal.—Upon receipt of the application, the proper fees, the bond if required, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to applicant the appropriate license entitling the applicant to engage in the alcoholic beverage transactions authorized by such license as set forth in this Act. All applications for licenses and accompanying statements shall be kept in the office of the board for a period of three years and shall be open for public inspection.

“Licenses issued under the provisions of this Act shall be renewed annually upon the filing of applications, in such form as the board shall prescribe, at least sixty days before the expiration and upon payment to the board of the appropriate license fees, unless the board has good cause for not renewing or reissuing the license. Unless within one month prior to the scheduled date of expiration of such licenses the applicant shall have been notified by the board of objections to the granting thereof signed by persons authorized to do so, and upon payment of the required fees, the board shall issue such renewal of licenses.

“Licenses shall become due and payable on or before October first of each year or on the date established by this Act or the board for ensuing year, and shall be delinquent if not secured each year by October twentieth or the twentieth day of the first month of the license year established by this Act or the board. If the license is not secured by October twentieth or by the twentieth day of the first month of the license year established by this Act or

by the board, such person or firm failing or refusing to file application and obtain said license, as provided in this Act, while continuing to enjoy the privilege allowed under said license, shall be subject to a penalty of fifty percent of the state and county licenses fees or taxes, which penalty must be collected at the time of issuance of license or permit, and shall be paid into the license fund of the board. Unless previously revoked, every license issued by the board under this Act shall expire, and terminate on the thirtieth day of September in the year or on the last day of the month ending the license year established by this Act or by the board for which the license is issued.

"No license shall be issued or renewed by the board until the filing and license fees fixed by this Code shall have been paid to the board.

"SECTION 9. Manufacturer License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a manufacturer license which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state. No person shall manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state or to the state, the board, or any licensee of the board, unless such person or his authorized representative shall be granted a manufacturer license issued by the board.

"No manufacturer licensee shall sell any alcoholic beverages direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such alcoholic beverages in other than original containers approved as to capacity by the board and in accordance with standards of fill prescribed by the U. S. Treasury Department, nor maintain or operate within the state any place or places, other than the place or places covered by the manufacturer license, where alcoholic beverages are sold or where orders are taken.

"Each manufacturer licensee shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in Alabama and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

"All such manufacturer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

"Every manufacturer shall keep at his or its principal place of business within the state, daily permanent records which shall show the quantities of raw materials received and used in the manufacture of alcoholic beverages, and the quantities of alcoholic beverages manufactured and stored, the sale of alcoholic beverages, the quantities of alcoholic beverages stored for hire or transported for hire by or for the licensee and the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary, for the detection of violations of this Act,

of any law, or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the board, or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

"Licenses issued under this section shall, unless revoked in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

"It is expressly provided that the action of any county which elects to be a 'dry county' subsequent to the effective date of this act shall not affect the continuation or renewal of any manufacturer's license or its authorization pursuant to such permit.

"SECTION 10. Importer license.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant an importer license which shall authorize the licensee to import alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state of liquor and wine to the board or the state, and table wine and beer to wholesaler licensees of the board. No person shall import alcoholic beverages manufactured outside the United States into this state or for sale or distribution within this state or to the state, the board or any licensee of the board, unless such person shall be granted an importer license issued by the board.

"An importer licensee shall not sell any alcoholic beverages for consumption on the premises where sold; nor, unless issued a wholesale license, sell or deliver to any retailer; nor deliver any such alcoholic beverages in other than original containers approved as to capacity by the board, and in accordance with standards of fill prescribed by the U. S. Treasury Department; nor maintain or operate within the state any place or places, other than the place or places covered by his or its importer license, where alcoholic beverages are sold or where orders are taken.

"Each importer licensee shall be required to file with the board, prior to making any sales in Alabama, a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of Label Approvals or its Certificates of Exemption as required by the U. S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officers of the state of Alabama, without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

"All such importer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month and of all shipments of alcoholic beverages received during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

"The books and records of such licensee shall, at all times, be open to inspection by members of the board, or by person duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

"Licenses issued under this section shall, unless revoked or suspended in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

"SECTION 11. Liquor Wholesaler License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a liquor wholesale license which shall authorize the licensee to import and receive shipments of liquor or wine from outside the state from licensed manufacturers and to sell at wholesale or distribute liquor or wine to the board or as authorized by the board. Sales shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute liquor or wine within this state to the board or as authorized by the board unless such person shall be issued a liquor wholesale license by the board.

"SECTION 12 Wholesaler License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a wholesale license which shall authorize the licensee to import and receive shipments of beer and table wine from outside the state from licensed manufacturers, to purchase beer and table wine from licensed manufacturers or other licensed wholesalers within the state and to sell at wholesale or distribute beer and table wine to all licensees or others within this state lawfully authorized to sell beer and wine within said state, and to export beer and wine from the state. Sales to all authorized persons shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute beer or table wine within this state or to licensees of the board unless such person shall be issued a wholesale license by the board.

"SECTION 13. Warehouse License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a warehouse license which will authorize the licensee to receive, store or warehouse alcoholic beverages within the state for trans-shipment outside or inside the state. No person other than a manufacturer or wholesaler licensee shall receive, store or warehouse alcoholic beverages within the state for trans-shipment outside or inside the state without first obtaining a warehouse license from the board.

"SECTION 14. Lounge Retail Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk of proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesaler licensee of the board and to sell at retail liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, to patrons for on-premise consumption. A lounge liquor licensee may permit dancing or provide other lawful entertainment on the licensed premises. No person under nineteen years of age shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

"SECTION 15. Club Liquor Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board may, where the application is accompanied by a certificate from the clerk or proper officers setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a club liquor license for a club which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the members of the club or their guests for on-premise consumption.

"SECTION 16. Restaurant Retail Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval issue a restaurant liquor license for a hotel, restaurant, civic center authority or dinner theater which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and, in that part of the hotel, restaurant, club or dinner theater set out in the license, to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the patrons, guests or members for on-premise consumption in any part of the civic center or in that part of the hotel, restaurant or dinner theater habitually used for serving meals to patrons, guests or members, or other public or private rooms of the building in accordance with the provisions of this Act and the regulations made thereunder, and where a restaurant located in a hotel, but not operated by the owner of the hotel, is licensed to sell alcoholic beverages in the restaurant, it may also sell alcoholic beverages to guests in private rooms in the hotel.

"SECTION 17. —Retail Liquor License.—Upon applicant's compliance with this Act and the regulations made thereunder, the board shall issue to applicant a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to sell at retail liquor and wine in original unopened containers of such size or sizes as are from time to time approved by the board for off-premises consumption. A retail liquor license may be issued in municipalities in which there are no state liquor stores or in such municipalities or areas as the board may approve. No person under nineteen years of age shall be admitted on the premises of any retail liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

"SECTION 18. Retail table wine license for on-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail table wine license which will authorize the licensee to purchase table wine from the board or from a licensed wholesaler in counties and

municipalities where authorized, and to sell at retail, in unopened original containers or dispense from containers of any size, for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

"SECTION 19. Retail table wine license for off-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a retail table wine license for any retail outlet, which license will authorize the licensee to purchase table wine in packaged form from the board, or in counties and municipalities where authorized, from licensed wholesalers and to sell such table wines in original unopened containers at retail for off-premises consumption, where such use of the proposed location of the retail outlet is not, at the time of original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

"SECTION 20. It is expressly provided that table wine sales shall be authorized in any wet county or wet municipality where now or hereafter authorized by law.

"SECTION 21. Retail beer license for on-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, from a licensed wholesaler and to sell the same at retail for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

"SECTION 22. Retail beer license for off-premise consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, in original unopened containers from licensed wholesalers and to sell such beer in packaged form at retail for off-premise consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

"SECTION 23. Retail Public Service Liquor License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a retail public service liquor license for a railroad, airline, bus line, ship line, vessel or other public service entity operating passenger vehicles with a passenger seating capacity of at

least ten people, which will authorize the licensee to sell, whenever operated in Alabama, alcoholic beverages, liquor, wine and beer, including draft beer, to passengers for consumption while aboard such licensee. No railroad, airline, bus line, ship line, vessel or public service entity shall sell alcoholic beverages to passengers for consumption within this state without first obtaining a retail public service liquor license from the board.

"Sales within Alabama of alcoholic beverages by retail public service liquor licensees shall be made in accordance with and shall be subject to the provisions of this Act and regulations promulgated hereunder.

"SECTION 24. Special Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a special retail license for a state park, racing commission, fair authority, airport authority, or civic center authority, or the franchisee or concessionaire of such park, commission or authority, and may, in its discretion, issue a special retail license to any other valid responsible organization of good reputation for such period of time not to exceed one year and upon such terms and conditions as the board shall prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board at such locations authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 A.M. unless otherwise authorized by the local governing authority.

"SECTION 25. Special Events Retail License.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, and upon application made on form provided by the board at least 120 days in advance of the event for which a license is granted, the board shall issue a special events license for a valid, responsible organization of good reputation, for a period not to exceed seven days, and upon such terms and conditions as the board may prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board to the patrons, guests or members of the organization at such locations or areas as shall be authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 A.M. unless otherwise authorized by the local governing authority.

"SECTION 26. License Fees for Licenses Issued by the board.—The following annual license fees are levied and prescribed for licenses issued and renewed by the board pursuant to the authority contained in this Act:

"(a) Manufacturer license, license fee of \$500.

"(b) Importer license, license fee of \$500.

"(c) Liquor wholesale license, license fee of \$500.

"(d) Wholesaler license, beer license fee of \$550 or wine license fee of \$550; license fee for beer and wine of \$750; plus \$200 for each warehouse in addition to the principal warehouse.

- "(e) Warehouse license, license fee of \$200.
- "(f) Lounge retail liquor license, license fee of \$500.
- "(g) Restaurant retail liquor license, license fee of \$200.
- "(h) Retail liquor license, license fee of \$2,000.
- "(i) Club liquor license, license fee of \$500.
- "(j) Retail table wine license for off-premise consumption, license fee of \$150.
- "(k) Retail table wine license for on-premise and off-premise consumption, license fee of \$150.
- "(l) Retail beer license for on-premise and off-premise consumption, license fee of \$150.
- "(m) Retail beer license for off-premise consumption, license fee of \$50.
- "(n) Retail public service liquor license, license fee of \$150 for each railroad, airline, bus line, ship line, vessel or other public service entity with a vehicle passenger capacity of at least 10 people.
- "(o) Special retail license, license fee of \$100 for 30 days or less; license fee of \$250 for more than 30 days.
- "(p) Special events retail license, license fee of \$150.

"The filing fees and the license fees levied and fixed by this section shall be paid before the license is issued or renewed.

"In addition to the foregoing filing fee and license taxes or fees, any county or municipality in which the sale of alcoholic beverages is permitted shall be authorized to fix and levy privilege or license taxes on any of the foregoing licensees located or operating therein, conditioned on a permit or license being issued by the board and shall be empowered to appropriate the proceeds thereof for local purposes; provided, however, the total of such filing fees and license tax or fees levied by any county and municipality shall not exceed one-half the license fee or tax levied by this section; provided, further, each municipality shall be entitled to the entire proceeds of its license fee or tax collected within its corporate limits and one-half thereof collected outside its corporate limits but within its police jurisdiction and each county shall be entitled to the entire proceeds of its license fee or tax collected outside the police jurisdiction of all municipalities therein one-half thereof collected within the police jurisdiction of all municipalities therein.

"SECTION 27. Disposition of filing fees and license taxes.—The revenue derived from filing fees, license fees or taxes levied under Section 7 and Section 26 of this Act shall be deposited upon receipt by the board in the state treasury to the credit of the beer tax and license fund and each month's receipts shall be distributed to the state general fund no later than the end of the following month.

"County license fees authorized by and levied pursuant to Section 26 of this Act shall be collected by the board and the proceeds of such collections shall be paid by the board into the State Treasury to the credit of the county levying said license fee and paid semi-annually to the governing body of said county.

"SECTION 28. Regulation of the grant of licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the board. The commissioner of revenue shall collect all sales taxes owed to the state prior to any renewal.

"Licenses shall be granted and issued by the board only to reputable individuals who are citizens of the United States or to associations whose members are reputable individuals who are citizens of the United States, or to reputable corporations organized under the laws of the State of Alabama or duly qualified thereunder to do business in Alabama, or, in the case of manufacturers, duly registered under the laws of Alabama, and then only when it appears that all officers and directors of the corporation are reputable individuals and are citizens of the United States, and that at least fifty-one percent of the capital stock is actually owned by individuals who are citizens of the United States. In addition to the foregoing requirements, wholesale licenses shall be granted only to individuals who are residents of this state or to associations at least one of whose partners or associates owning a substantial interest in the association is a resident of this state or a corporation which has at least 51% of its capital stock actually owned by resident individuals of this state. Provided, the residence or citizenship requirements of this paragraph do not apply to manufacturer licensees.

"Every license issued under this Code shall be constantly and conspicuously displayed on the licensed premises.

"Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of alcoholic beverages, but a separate license must be secured for each place where alcoholic beverages are sold. No retail license issued under this Code shall be used for more than one premise, nor for separate types of operation on the same premise. Each premise must have a separate retail license. Where more than one retail operation is located within the same building, each such operation under a separate or different ownership is required to obtain a separate retail license; and where more than one type of retail operation located within the same building is operated by the same licensee, such licensee must have a license for each type of retail operation. Provided, there shall be no licenses issued by the board for the sale of liquor, beer or wine by rolling stores.

"No retailer shall sell any alcoholic beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public; but this section shall not be interpreted to prevent a hotel or club licensee from selling such beverages in any room of such hotel or club house occupied by a bona fide registered guest or member or private party entitled to purchase the same.

"All beer, except draft or keg beer, sold by retailers must be sold or dispensed in bottles, cans or other containers not to exceed one pint or sixteen ounces. All wine sold by retailers for off-premise consumption must be sold or dispensed in bottles or other containers in accordance with the standards of fill specified in the then effective Standards of Fill for Wine prescribed by the U.S. Treasury Department.

Draft or keg beer may be sold or dispensed within this state within those counties in which and in the manner in which the sale of draft or keg beer was authorized by law upon the effective date of this Act or in which the sale of draft or keg beer is hereafter authorized by law; provided in rural communities with a predominantly foreign population, after the payment of the

tax imposed by Title 28, Code of Alabama 1975, draft or keg beer may be sold or dispensed by special permit from the board, when, in the judgment of the board, the use and consumption of draft or keg beer is in accordance with the habit and customs of the people of any such rural community. Provided further the board may in its discretion grant, to any civic center authority or its franchisee or concessionaire, to which the board may have issued or may simultaneously issue a retail license under the provisions of this Act, a revocable temporary permit to sell or dispense in any part of its civic center for consumption therein, draft or keg beer. Either such permit shall be promptly revoked by the board if, in its judgment, the same tends to create intemperance or is prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state.

"No wholesaler shall maintain or operate any place where sales are made other than that for which the wholesale license is granted; provided, however, a wholesaler may be licensed to sell and distribute liquor, wine and beer. No wholesaler shall maintain any place for the storage of liquor, wine or beer unless the same has been approved by the board. No wholesaler license shall be issued for any premises in any part of which there is operated any retail license for the sale of alcoholic beverages.

"Licenses issued under this Code may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same governing jurisdiction, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

"Every applicant for a transfer of a license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of \$50.00, to be paid to the board, and the board shall pay such fee into the state treasury to the credit of the beer tax and license fund of the board. The filing fee shall not be applicable to renewals to the same person.

"In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted.

"SECTION 29. Suspension or revocation of licenses and fines against licensees.—The board shall have full and final authority as to the suspension or revocation of any license issued under this Act and to levy a fine against a licensee in lieu of such suspension or revocation. The board shall have the full right and authority to suspend any retail license issued by it for any reason which it may deem sufficient and proper.

"Provided, however, the board may appoint a hearing commission of not less than three members to hear and decide all contested applications of licenses under this Act, and hear and decide all charges against any licensee for violation of this Act, the law or the regulations of the board and shall have the power and authority to revoke or suspend for cause licenses and permits, or to fine licensees provided in this Act. Provided no member of the hearing commission shall participate in the hearing or disposition or any application for license or charge against a licensee if he has an interest therein or he was involved in the investigation.

"The board or a hearing commission appointed by the board, upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers, or directors of the licensee has or have violated any of the laws of this state or regulations of the board relating to the manufacture, sale, possession or transportation of alcoholic beverages, or where the licensed premises has been conducted in a manner prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board. In all such cases where the board or hearing commission shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its actions are based.

"When, in the opinion of the board or hearing commission, a fine is deemed more appropriate than suspending or revoking a license, the board or hearing commission is authorized to fine the licensee for any cause that could result in suspension or revocation. Such fines may not exceed the sum of \$1,000. The licensee must remit the fine to the administrator within one week of the day that such fine is levied. Failure to pay the fine within this period shall result in an automatic suspension of the license until such fine is paid. All fines collected by the board shall be paid by the Administrator into the treasury of the state and credited to the general fund.

"The maximum length of suspension of a license under these provisions shall be one year, and any licensee whose license is suspended by the board or hearing commission shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration or removal of the suspension. Any licensee whose license is revoked by the hearing commission or the board shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration of one year from the date such license is revoked. The board or hearing commission is hereby granted broad discretionary powers in exercising its authority under this section.

"Section 30. Unlawful acts and offenses.—

"A. It shall be unlawful:

"(1) For any manufacturer or wholesaler, or the servants, agents or employees of the same, to sell, trade or barter in alcoholic beverages between the hours of nine o'clock P.M. of any Saturday and two o'clock A.M. of the following Monday.

"(2) For any wholesaler to sell to other than wholesale or retail licensees or others within this state lawfully authorized to sell alcoholic beverages or to sell for export.

"(3) For any licensee to sell, furnish or give away alcoholic beverages to any minor, or to permit any minor to drink or consume any alcoholic beverages on licensee's premises.

"(4) For any person to consume alcoholic beverages on the premises of any state liquor store or of any retail liquor licensee.

"(5) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of alcoholic beverages, the actual price paid therefor and the name of the vendor, or to refuse the board or any authorized employee of the board assess thereto or the opportunity to make copies of the same when the request is made during business hours.

"(6) For any licensee to refuse the board, any of its authorized employees or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

"(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of alcoholic beverages; provided, however, this subsection (7) shall not apply to any person so employed for twenty or more consecutive years prior to the enactment of this Act.

"(8) For any licensee to knowingly sell any alcoholic beverages to any person engaged in the business of illegally selling alcoholic beverages.

"(9) For any person to manufacture, transport or import alcoholic beverages into this state, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of alcoholic beverages through the state and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

"(10) For any person to fortify, adulterate, contaminate or in any wise change the character of purity of alcoholic beverages from that as originally marketed by the manufacturer, except for a retail licensee on order from a customer to mix a chaser or other ingredients necessary to prepare a cocktail or mixed drink for on-premises consumption.

"(11) For any person licensed to sell alcoholic beverages, to offer to give anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such alcoholic beverages, or to offer to give any thing of value as a premium or present to induce the purchase of such alcoholic beverages or for any other purpose whatsoever in connection with the sale of such alcoholic beverages. Provided, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

"(12) For any licensee or transporter for hire to transport any alcoholic beverages except in the original container, and for any transporter for hire to transport any alcoholic beverages within the state, unless such transporter shall hold a permit issued by the board.

"(13) For any manufacturer or wholesaler to deliver any alcoholic beverages, excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

"(14) To sell alcoholic beverages within any dry county or county where the electors have voted against such sales, except in wet municipalities or as authorized by Section 23 of this Act.

"(15) For any person, firm, corporation, partnership or association of persons as such terms are defined in Section 1 of this Act, including any civic center authority, racing commission, fair authority, airport authority, public or quasi-public board, agency or commission, any agent thereof, or otherwise, who has not been licensed so to do under the appropriate provisions of this Act to sell, offer for sale or have in possession for sale, any alcoholic beverages. Any alcoholic beverages so possessed, maintained, or kept shall be contraband and subject to condemnation and confiscation as provided by law.

"(16) For any manufacturer, distiller, producer or distributor of alcoholic beverages to employ and maintain any person not its full-time bona fide employee as its resident sales agent, broker or other like representative, for the purpose of promoting a sale, purchase or acquisition of alcoholic beverages to or by the state or the board, or for any person not a full-time bona fide employee to act as such agent, broker or representative of any manufacturer, distributor, producer or distiller for that purpose

"(17) For any wholesale or retail licensee to sell, give away, or otherwise dispose of taxable alcoholic beverages within this state of which the required taxes have not been paid in accordance with the law.

"(18) For any wholesaler or retailer to sell, distribute, deliver or to receive or store for sale or distribution within this state any alcoholic beverages unless there first has been issued by the board a manufacturer's license to the manufacturer of such alcoholic beverage or its designated representative or an importer license to the importer of such alcoholic beverages.

"(19) For a minor to attempt to purchase, to purchase, consume, possess or to transport any alcoholic beverages within the state; provided, however, it shall not be unlawful for a minor employee of a wholesale licensee or an off-premises retail licensee of the board to handle, transport or sell any beer or table wine if such minor is acting within the line and scope of his employment while so acting.

"(20) For any person, except where authorized by a local act or general act of local application, to buy, give away, sell, serve or drink or consume any alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of 2:00 o'clock A.M.

"(21) Except where authorized by a local act or general act of local application, for the proprietor, keeper or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, serve, drink or consume any alcoholic beverages on the premises of such cafe, lunchroom, restaurant, hotel dining room, or other public places on Sunday after the hour of 2:00 o'clock A.M.

"B. (1) Any violation of the foregoing subsections 1-18 of subsection A of this Section 30 shall be a Class B misdemeanor and upon conviction shall be punished as provided by law; and, on the second conviction of a violation of any of these subsections, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the

county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of any of these subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

"B. (2) Any violation of any of the foregoing subsections 19, 20 and 21 of subsection A of this Section 30 shall constitute a Class C misdemeanor and any person upon conviction thereof shall be punished as provided by law.

"SECTION 31.

"A. Any person who has been found guilty of violating any of the provisions of this Act and who, after being punished by fine, penalty, assessment or imprisonment, shall be guilty of a second or subsequent violation of this Act, shall upon being found guilty of such second or subsequent offense, have the license or permit as provided in this Act revoked by the board, and no further license or permit shall be issued or granted to such person for a period of one year from the date the license or permit shall have been revoked.

"B. (1) In addition to any fine or sentence imposed by this section, any vehicle used to transport alcoholic beverages or liquors in violation of this Act with the knowledge and consent of its owner, shall be subject to confiscation upon declaration being filed for the purpose by any district attorney or like officer of any municipal or district court, or attorney general, in this state having jurisdiction thereof, under the rules of law now governing the confiscation and condemnation of vehicles used in transporting liquors. Provided, however, it shall be lawful for bona fide claimants of such vehicles to file claim and replevy such property pending condemnation proceedings.

"B. (2) The fiscal authorities of any county or municipality may require that any officer who receives a salary as compensation shall remit any sums to which he may become entitled by virtue of the seizure and condemnation of any vehicle or conveyance used in conveying any liquors or beverages prohibited by law to the treasury of such county or municipality from which such salary is paid. All actions of any kind to collect any such sums from any county, municipality or any officer thereof for which the right of action has accrued prior to the passage of this section shall be brought within 90 days after the enactment of this section or be forever barred; any and all actions to recover on rights of action accruing after the enactment of this section shall be brought within 90 days after such rights of action accrue or be forever barred.

"SECTION 32. The sale of alcoholic beverages in or on the campus of any public school or college, or at any public athletic event at any grammar or high school or any college shall be prohibited.

"SECTION 33. (a) The provisions of this Act shall not apply to ethyl alcohol intended for use for used for the following purposes:

"(1) For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

"(2) For use by those authorized to procure the same tax free, as provided by the acts of congress and regulations promulgated thereunder.

"(3) In the manufacture of denatured alcohol produced and used as provided by the acts of congress and regulations promulgated thereunder.

"(4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations of products, unfit for beverage purposes.

"(5) In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

"(b) Act No. 79-182, H. 236 of the 1979 Regular Session (Acts 1979, Vol. I, pg. 291) is expressly exempt from the provisions of this act and no part or parts of said Act shall be repealed by the provisions herein."

SECTION 4. The legislature concurs in the recommendations of the Sunset Committee provided in Sections 1, 2 and 3 of this Act.

SECTION 5. The following laws are specifically repealed: Sections 28-3-1, 28-3-23, 28-3-70 through 28-3-73, 28-3-90 through 28-3-95, 28-3-110 through 28-3-115, 28-3-130 through 28-3-148, 28-3-160 through 28-3-167, 28-3-260 through 28-3-268, all of the Code of Alabama 1975; and all laws or parts of laws which are in direct conflict or which are inconsistent with the provisions of this Act are hereby repealed. Provided, however, nothing herein contained shall be construed as repealing Section 28-3-4, Code of Alabama 1975.

SECTION 6. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 7. Effective Date.—Upon its passage and approval by the Governor, or upon its otherwise becoming law, the provisions of this Act shall, except as otherwise herein provided, become effective at midnight on September 30, 1980; provided, however, that any license granted prior to the effective date shall remain in effect until its expiration.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Buskey, Cabaniss, Campbell, Carter, Cates, Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, Minus, Mitchell, Nevett, Owens, Parker, Patton, Rains, Ray, Roberts, Sandusky, Sasser, Shoemaker, Stewart, Turner, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Carothers, Cheatwood, Clark, Dial, Edwards, Grouby, Kelley, Laird, Smith (C), Stout, Turnham and Ward.

—12

SUBSTITUTE OFFERED

Rep. Wyatt offered the following substitute to the bill, H. 380 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 28 of the Code of Alabama 1975, and other provisions of law relating to the Alabama Alcoholic Beverage Control Board are hereby continued.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Hilliard to table the substitute offered by Rep. Wyatt to the bill, H. 380 as amended, was lost.

Yeas 15; Nays 64.

Yeas:

Mr. Speaker, Buskey, Cabaniss, Cosby, Gafford, Gilmer, Hammett, Hilliard, Howard, Kennedy, Manley, Stewart, Tucker, Whatley, Zoghby.

—15

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—64

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Wyatt to the bill, H. 380 as amended, and the substitute was adopted.

Yeas 69; Nays 13.

Yeas:

Reps.: Adams, Albright, Amari, Barton, Bennett, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels,

Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—69

Nays:

Mr. Speaker, Buskey, Cabaniss, Gafford, Gilmer, Hilliard, Howard, Kennedy, Manley, Shoemaker, Stewart, Stout and Zoghby.

—13

And the bill:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—71

Nays:

Reps.: Buskey, Cabaniss, Gafford, Gilmer, Hilliard, Kennedy, Manley, Shoemaker, Stout and Zoghby.

—10

And the bill:

H. 381. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

Was taken up.

SUBSTITUTE OFFERED

Rep. Whatley offered the following substitute to the bill, H. 381:

A BILL
TO BE ENTITLED
AN ACT

To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama boxing and wrestling commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the termination of the said agency created and functioning pursuant to Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126 of the Code of Alabama 1975, and hereby recommends the termination of the said agency and the repeal of said provisions of law pertaining thereto. The committee further voted to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to: (a) retain such licenses, fees and taxes; (b) to require the commissioner of revenue to collect such taxes and distribute the net proceeds equally between the state general fund and the American Legion, department of Alabama. The committee further voted to require the terminated commission to transfer all equipment, supplies and belongings of the commission to the department of revenue commissioner within 30 days following enactment of this bill.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act, except as otherwise provided herein.

Section 3. Sections 41-9-90 through 41-9-95 inclusively and 41-9-97 through 41-9-126 inclusively of the Code of Alabama 1975, which relate to the Alabama boxing and wrestling commission are hereby repealed effective 60 days after the effective date of this act, provided, however, that Section 41-9-91, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-9-91.

"The chairman and each member of the commission shall serve as such without salary, but shall receive, while engaged in the performance of his

duties, a per diem of \$10.00 per day. The chairman of the commission shall be ex-officio the recorder of permits and licenses. Before entering upon the duties of his office, the chairman of the commission shall execute to the state of Alabama, for the faithful performance of his duties, a bond, to be approved by the governor, in the amount of \$5,000.00. One half of all moneys collected for the service of recording permits and licenses shall be paid to the American Legion, department of Alabama, to be used in its programs.

"Compensation and expense of members.—The chairman and each member of the commission shall serve as such without salary, but shall receive his actual expenses while engaged in the performance of his duties, and a per diem of ten dollars per day. The chairman of the commission shall be ex officio the recorder of permits and licenses and for such service one-half of all moneys collected shall be paid to the American Legion, department of Alabama, to be used in their programs."

Said amendment shall be retroactive to October 31, 1977, and any actions taken or payments made in accordance with the provisions of said section as herein amended since said date are hereby ratified, validated and confirmed.

It is the intention of the legislature by this action to waive all debts incurred by the American Legion to the state regarding the disposition of funds collected by the Boxing and Wrestling Commission between October 31, 1977 and present.

Section 4. Section 41-9-96, Code of Alabama 1975, is hereby amended to read as follows:

"§41-9-96.

"(a) The commission commissioner of the revenue department, hereinafter called "commissioner," shall have full power and authority and it shall be its duty, through the recorder of permits and licenses, to collect:

"(1) A fee of \$1.00 for every permit or license to hold a boxing, sparring or wrestling match or exhibition;

"(2) Seventeen and one-half percent of the gross receipts from admissions to every boxing, sparring or wrestling match or exhibition plus 10 percent of the gross price chargeable for the sale, lease or other exploitation of broadcasting, television and motion picture rights of such matches or exhibitions;

"(3) Ten percent of the gross admission charges to a club, theatre or other place where a televised showing of a boxing, sparring or wrestling match or exhibition which is taking place in another area or place may be viewed by means of closed circuit television; and, for the purposes of paying and collecting this tax, any person, firm, association or corporation which charges or collects admission fees to view such televised matches or exhibitions shall be subject to the provisions of this article section relative to the payment of licenses; and to rules and regulations of the commission relative to reporting of times of proceeds derived from admissions to such showing;

"(4) A reasonable fee, to be fixed by the commission, commissioner, not to exceed \$500.00 for each annual license or permit issued to a promoter;

"(5) One hundred and fifty dollars for each annual license or permit issued to a matchmaker;

"(6) Twenty dollars for each annual license or permit issued to a wrestler, manager or boxer; and

"(7) Five dollars for each annual license or permit issued to a referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or timekeeper.

"(b) Nothing in this article shall be construed as permitting, authorizing or enjoining the commission commissioner, or his authorized agent, to collect any license, permit fee or tax for any amateur boxing, sparring or wrestling matches or exhibitions held under the auspices of educational institutions when the proceeds of such are to be used to foster, aid or abet programs of education in the state of Alabama, or when the same are held under the auspices, rules and regulations of any national amateur athletic association or union, but no exemption from license, permit fee, tax or charges shall be granted to any person, group of persons or organization for such amateur boxing, sparring or wrestling matches or exhibitions when the proceeds or any part thereof are for personal or private gain.

"(c) The commission commissioner, or his authorized agent, shall collect from all patriotic organizations characterized by authority of a special act of the congress of the United States or local units thereof, which have been in existence and held meetings at regular intervals for one year immediately preceding the issuance of the permit, to whom a license or permit is issued, 10 percent of the gross receipts of every boxing, sparring or wrestling match conducted or sponsored by such an organization, in lieu of the 17-1/2 percent provided for in subdivision (2) of subsection (a) of this section, in addition to other licenses and fees as are herein provided."

"(d) After first paying all operating expenses incurred in the collection of such fees, licenses and taxes, and all operational expenses of the State Athletic Commission, the commissioner shall distribute, on or before January 15 of each year, all proceeds and monies received therefrom as follows:

"(a) One-half (1/2) to the state general fund; and

"(b) One-half (1/2) to the American Legion, department of Alabama, for use in their programs in service to the people of the state of Alabama."

Section 5. All furniture and equipment belonging to the discontinued commission, after an appraisal by a representative of the State Property Division and a representative of a reputable office supply and equipment company shall be offered for sale to the American Legion, department of Alabama, within thirty (30) days following the enactment of this bill. All supplies and other belongings of the discontinued commission shall be transferred by the commission within thirty (30) days following the enactment of this bill to the Department of Revenue Commissioner.

Section 6. (a) A State Athletic Commission is hereby created. The commission shall be composed of seven members who shall be appointed by the Governor, one from each of the seven U. S. Congressional Districts, with the advice and consent of the Senate, for terms of four years each, provided that of the members initially appointed, three shall serve for two years and four shall serve for four years, as the governor may direct. The members of the commission shall select a chairman and vice chairman from among their

members. Vacancies on the board during a term shall be filled for the unexpired portion of the term in the same manner as the member whose place is being filled.

(b) Members of the commission shall receive the same mileage and per diem allowance as paid to state employees. All such expenses shall be paid from the funds of the commission. It shall be unlawful for any member of the commission or any employee thereof to charge, receive, or obtain either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the commission, and no member of the commission or officer or employee thereof shall have any interest in any materials, or contracts sold to or made or negotiated with the commission, or with any member or employee thereof acting in his capacity as a member of such commission. Violation of any provision of this section shall be a misdemeanor and upon conviction shall be punishable by removal from membership or employment and by a fine of not less than \$100 or by imprisonment not to exceed six months or both.

(c) The meetings shall be at the call of the chairman at least on a quarterly basis, not to exceed twenty meetings per year. A majority of the members shall constitute a quorum for the transaction of business. The members of the commission shall determine the times and places within the state for their meetings as may be necessary, desirable or convenient. In the event of the absence or incapacity of the chairman, meetings may be on the call of the vice chairman, or on the call of any five members of the commission. The commission shall determine and establish its own organization and procedures necessary to accomplish its purpose and function.

(d) It shall be the function and main purpose of the commission to encourage and attract more professional athletic, sporting and promotional events to the state and develop the publicity and promotional programs for the support of these events. It is specifically provided that all rules and regulations promulgated by the Boxing and Wrestling Commission created by Section 41-9-90, Code of Alabama 1975, are in full force and effect. The State Athletic Commission shall be required to enforce such rules and regulations and the State Athletic Commission is hereby granted power to alter, amend or promulgate new rules and regulations governing boxing and/or wrestling events. In addition to the general powers, the commission's powers shall include those incidental or necessary to the discharge of its said powers and duties.

(e) The State Revenue Department shall furnish the commission with necessary secretarial and clerical help. The commission and the Revenue Department shall jointly promulgate all necessary administrative rules and regulations regarding the keeping and transfer of records, forms, licenses and other material.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Reps.: Amari, Barton, Bowling, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (M), Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—64

And the bill:

H. 381. To repeal Section 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general and the American Legion, department of Alabama, and to retroactively amend Sections 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 382. To abolish the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, and to transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the mental health care and facilities of this state; providing that such responsibilities and certain authorities may be transferred to other individuals or to any board

formed by the governor; repealing conflicting laws and specific statutes pertaining to the Alabama mental health board, and any inconsistencies contained in Title 22, Chapters 50 and 51 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act; and providing an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy), offered the following substitute to the bill, H. 382:

A BILL
TO BE ENTITLED
AN ACT

To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the legislature to continue the state mental health board, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 2. The state mental health board, created and functioning pursuant to Title 22, Chapters 50 and 51 of the Code of Alabama 1975, and all other provisions of law, is hereby continued, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Section 3. Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, as amended, relating to the mental health board are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 18.

Yeas:

Reps.: Albright, Amari, Barton, Blake, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford,

Letson, McKee, Minus, Mitchell, Moore, Nevett, Owens, Patton, Payne, Penry, Rains, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—59

Nays:

Reps.: Adams (C), Bennett, Cabaniss, Clark, Cosby, Hammett, Harper (T), Lewis, McMillan, Manley, Naramore, Pegues, Reed, Sandusky, Waggoner, Ward, Whatley and Zoghby.

—18

And the bill:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 7.

Yeas

Reps.: Albright, Amari, Barton, Blake, Buskey, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Moore, Nevett, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps. Bennett, Cabaniss, Cosby, McMillan, Pegues, Ward and Whatley.

—7

RESOLUTION

The following resolution was introduced:

By Rep. Venable:

H. R. 99. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, March 6, 1980, we adjourn to meet again on Tuesday, March 11, 1980, at 5:00 P.M.

BE IT FURTHER RESOLVED That with the adoption of this resolution, House Resolution No. 96 is hereby repealed.

On motion of Rep. Venable, the rules were suspended and the resolution, H. R. 99, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filing of vacancies, so as to require that the commission shall hereafter be appointed by the Governor with Senate conformation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of election members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cates offered the following substitute No. 1 to the bill, H. 383:

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this State with the exception of amending Section 37-1-11 of the Code of Alabama 1975 so as to provide further for the compensation of the president and members of said commission.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the Legislature. The Legislature, after considerable consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Public Service Commission as presently constituted and functioning under the laws of this State.

Section 2. Section 37-1-11 of the Code of Alabama 1975 is hereby amended to read as follows:

"§37-1-11.

"The president of such commission shall receive a salary of \$18,500.00 \$36,000.00, and each of the associate commissioners shall receive a salary of \$18,000.00 \$35,000.00 per annum. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex

officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law. The increase in salary provided for by this amendment shall take effect upon the expiration of the term of office of the officer on the commission whose term next expires."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

A BILL
TO BE ENTITLED
AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission, established by Section 37-1-1 of the Code of Alabama 1975, is hereby reorganized so as to consist of seven (7) members, who shall represent seven public service commission districts throughout the state, said districts to correspond numerically and geographically with the state's seven United States Congressional Districts viz: District No. 1 shall be the same as Congressional District No. 1; District No. 2 shall be the same as Congressional District No. 2; District No. 3 shall be the same as Congressional District No. 3; District No. 4 shall be the same as Congressional District No. 4; District No. 5 shall be the same as Congressional District No. 5; District No. 6 shall be the same as Congressional District No. 6; and District No. 7 shall be the same as Congressional District No. 7. Each member of the said commission shall be a resident and qualified elector of the public service commission district which he or she represents.

Section 2. A member of the Public Service Commission from Districts No. 4, No. 5 and No. 6 shall be elected at the general election in 1980 and each six (6) years thereafter for six (6) year terms, each. Members of the Public Service Commission serving when this section become effective shall serve out, as commissioners from Districts No. 2 and No. 3, the terms for which they have been elected members of the commission. Their successors shall be elected at the general election in 1982 and every six (6) years thereafter for six (6) year terms. A member of the Public Service Commission from Districts No. 1 and No. 7 shall be elected at the general election in 1980 for a term of four (4) years each and their successors shall be elected at the general election in 1984 and every six (6) years thereafter for terms of six (6) years, each. The members of the commission shall be elected by the qualified electors of the district they represent.

Section 3. The persons elected to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election, and shall continue until their successors are elected and qualified. On this same day, and every two (2) years

thereafter, the Public Service Commission shall meet in an organizational session to select a chairman by a majority vote of the members of the commission. In the event that the chair should become vacant, an emergency organizational session shall be called by the Governor, not later than thirty (30) days after said chair has become vacant, for the purpose of selecting a chairman to serve for the remainder of the unexpired term.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby appealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

MOTION TO TABLE LOST

The motion offered by Rep. Pegues to table the substitute offered by Rep. Daniels, was lost.

Yeas 23; Nays 58.

Yeas:

Mr. Speaker, Cabaniss, Campbell, Cates, Cosby, Dial, Edwards, Hammett, Holley, Kelley, McKee, Pegues, Rains, Riddick, Roberts, Sasser, Shavers, Shoemaker, Starkey, Venable, Ward, Whatley and Zoghby.

—23

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Dixon, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Patton, Payne, Penry, Ray, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—58

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Daniels to the substitute offered by Rep. Cates to the bill, H. 383, and the substitute was adopted.

Yeas 61; Nays 18.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Carothers, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy),

Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Moore, Narmore, Nevett, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—61

Nays:

Mr. Speaker, Cabaniss, Campbell, Clark, Cosby, Edwards, Hammett, Hilliard, Kelley, Manley, Pegues, Roberts, Sasser, Shoemaker, Venable, Ward, Whatley and Zoghby.

—18

SUBSTITUTE OFFERED

Rep. Drinkard offered the following substitute to the bill, H. 383 as amended:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter consist of three (3) elected members and two (2) members appointed by the Governor with Senate confirmation; increasing the membership of said commission to five (5); providing further for the terms of office and qualifications of members; providing further for the salaries of members, effective upon the expiration of the present term of office of the president; providing for the annual election of a president from among commission members; and repealing existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) Provide that three (3) commission members be elected and two (2) members be appointed by the Governor with the advice and consent of the Senate; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission; (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present term of office of the president; and (f) to repeal conflicting laws.

Section 2. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law, are hereby continued.

Section 3. Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 37-1-1.

"A commission to be known as the public service commission, consisting of a president and two associates five (5) members who shall be competent persons and qualified electors of the state, and who shall possess such other qualifications as may be required by Section 37-1-3 of the Code of Alabama 1975, is hereby established."

"§ 37-1-3.

"(a) The terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president member of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court. Upon the effective date of this act, the commission shall consist of three (3) members who are elected in a manner set forth under (a) supra, and two (2) members who shall be appointed by the Governor, with the advice and consent of the state senate as herein provided. After the term of the incumbent president expires, the president of the commission shall be chosen annually by a majority vote of the members of the commission, and any member shall be eligible for re-election as president.

"(b) The persons elected to fill said offices shall enter upon the discharge of their respective duties on the day after the general election at which they are elected and expire on the day after the general election held in the fourth year after their election. Within one hundred and twenty (120) calendar days after this amendatory act becomes law, two new members of the commission shall be appointed each for a four (4) year term commencing on the first Monday after the second Tuesday in January, 1981. Any member shall be eligible for re-appointment for an unlimited number of terms provided his re-appointment is confirmed by the state senate.

"(c) The persons elected and/or appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election and/or appointment, and shall continue in office until their successors are elected or appointed and qualified.

"(e) (d) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, the appointee holding for the balance of the unexpired term. If any person elected or appointed to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected or appointed.

"(d) (e) No two said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(e) (f) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(g) No person shall be eligible for appointment by the governor unless the governor is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to: public affairs, law, economics, accounting, engineering, finance, energy, communications, transportation, management or another field substantially related to the duties and functions of the Public Service Commission."

"§ 37-1-11.

"The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum until the terms of office beginning on the first Monday after the second Tuesday in January, 1981, at which time the current term of the president ends. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

SUBSTITUTE LOST

And the substitute was lost.

Yeas 23; Nays 55.

Yeas:

Mr. Speaker, Cabaniss, Campbell, Cosby, Edwards, Hammett, Harvey, Hilliard, Howard, Kelley, Letson, McKee, McMillan, Manley, Owens, Payne, Pegues, Roberts, Sandusky, Shavers, Venable, Ward and Zoghby.

—23

Nays:

Reps.: Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Dial, Dixon, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Holley, Horn, Johnson (Roy), Kennedy (Y), Laird, Langford, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Rains, Riddick, Sasser, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—55

SUBSTITUTE OFFERED

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after considerable consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Public Service Commission as presently constituted and functioning under the laws of this state.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Daniels to table the substitute #2 offered by Rep. Cates to the bill, H. 383 as amended, was lost.

Yeas 38; Nays 42.

Yeas:

Reps.: Albright, Amari, Barton, Blake, Bowling, Cobb, Crow, Daniels, Dial, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Hilliard, Horn, Johnson (Roy), Langford, Letson, Lewis, Mitchell, Naramore, Patton, Payne, Penry, Ray, Reed, Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Warren, Williams, Willis and Wyatt.

—38

Nays:

Mr. Speaker, Adams (C), Adams (H), Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Edwards, Gafford, Grouby, Hammett, Holley, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Pegues, Rains, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Stout, Venable, Waggoner, Ward, Whatley and Zoghby.

—42

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 512. Relating to Calhoun County; providing further for the compensation of election officials.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing of the Standing Committee on Rules.

H. 383 RESUMED
SUBSTITUTE LOST

The question was then on the adoption of the substitute No. 2 offered by Rep. Cates to the bill, H. 383 as amended, and the substitute was lost.

Yeas 34; Nays 49.

Yeas:

Mr. Speaker, Cabaniss, Carothers, Carter, Cates, Clark, Cosby, Dial, Edwards, Gafford, Hammett, Hilliard, Kelley, McKee, McMillan, Manley, Minus, Moore, Owens, Patton, Pegues, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Turnham, Venable, Waggoner, Ward, Whatley and Zoghby.

—34

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, Lewis, Mitchell,

Naramore, Nevett, Payne, Penry, Rains, Ray, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams, Willis and Wyatt.

—49

And the bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 28.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Payne, Penry, Rains, Ray, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Warren, Williams, Willis and Wyatt.

—56

Nays:

Mr. Speaker, Cabaniss, Carothers, Clark, Cosby, Edwards, Gafford, Hammett, Hilliard, Howard, Kelley, McKee, McMillan, Manley, Owens, Pegues, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Stout, Turnham, Venable, Waggoner, Ward, Whatley and Zoghby.

—28

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Holmes:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Also:

By Mr. Holmes;

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Mr. Holmes:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

By Mr. Smith:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Mr. Smith:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Mr. Smith:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Section 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendations of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Also:

By Mr. Smith:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Also:

By Mr. Smith:

S. 276. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Also:

By Mr. Smith:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

By Mr. Smith:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Also:

By Mr. Parsons:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Also:

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Also:

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Also:

By Mr. Parsons:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters. So as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 269. Sunset Committee.
- S. 270. Sunset Committee.
- S. 271. Sunset Committee.
- S. 274. Sunset Committee.
- S. 275. Sunset Committee.
- S. 282. Sunset Committee.
- S. 283. Sunset Committee.
- S. 276. Sunset Committee.
- S. 284. Sunset Committee.
- S. 285. Sunset Committee.
- S. 265. Sunset Committee.
- S. 263. Sunset Committee.
- S. 264. Sunset Committee.
- S. 266. Sunset Committee.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Parsons, Holmes, deGraffenried, Keener and Hall:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Also:

By Mr. Parsons:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Also:

By Mr. Smith:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the

legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Also:

By Mr. Smith:

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioners shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

Also:

By Mr. Smith:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Also:

By Mr. Smith:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 267. Sunset Committee.
- S. 268. Sunset Committee.
- S. 277. Sunset Committee.
- S. 273. Sunset Committee.
- S. 262. Sunset Committee.
- S. 280. Sunset Committee.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Smith:

S. 278. To repeal sections 41-9-90 through 41-9-95 inclusively and sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to transfer all equipment of the terminated commission to the commissioner of revenue within 30 days following enactment of this bill.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 278. Sunset Committee.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:35 P.M. on March 6, 1980.

H. 512.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 99, heretofore adopted, the House adjourned until 5:00 o'clock p.m., Tuesday, March 11, 1980.

Yeas 49; Nays 22.

Yeas:

Mr. Speaker, Bennett, Bowling, Buskey, Cabaniss, Carter, Clark, Cobb, Cooley, Cosby, Crow, Dial, Edwards, Ford, Goodwin, Grouby, Harper (O), Harper (T), Harvey, Horn, Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Manley, Minus, Moore, Patton, Pegues, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Stout, Trammell, Tucker, Venabel, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—49

Nays:

Reps.: Albright, Amari, Barton, Blake, Cheatwood, Dixon, Howard, Johnson (R. G.), Lewis, McKee, McMillan, Mitchell, Naramore, Nevett, Owens, Payne, Rains, Riddick, Smith (C), Turner, Turnham and Wyatt.

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ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 11, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Thomas Lane Butts, Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Smith:

S. 272. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 272. Sunset.

LEAVES OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Reps. Nevett, Seibels, Venable and Cabaniss.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 100. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Tuesday, March 11, 1980, we adjourn to meet again on Wednesday, March 12, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 100, was adopted.

Also:

By Rep. Manley:

H. J. R. 101. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That commencing on the 12th Legislative Day of the 1980 Regular Session, and on all legislative days thereafter, the Rotunda on the second floor of the Capitol between the House and Senate Chambers will be closed to all persons except members of the two houses, their employees and the press one hour before the first house convenes on each legislative day and shall remain closed until the last house adjourns on each legislative day of the session; and

BE IT FURTHER RESOLVED That the Clerk of the House and the Secretary of the Senate are authorized to establish an identification system for registered lobbyists to use the Rotunda while the House and Senate are in session.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Manley offered the motion to suspend the rules and adopt the resolution, H. J. R. 101.

DIVISION OF THE QUESTION

Rep. Wyatt called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Manley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 101, and the motion was lost, lacking a four-fifths vote.

Yeas 42; Nays 31.

Yeas:

Mr. Speaker, Bedsole, Biddle, Campbell, Carothers, Clark, Cosby, Dial, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Penry, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Ward, Whatley, Williams and Willis

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Nays:

Reps.: Albright, Amari, Barton, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Cooley, Crow, Dixon, Greer, Hall, Harrison, Harvey, Hilliard, Horn, Johnson (Roy), Kennedy, Langford, Letson, Patton, Pegues, Rains, Ray, Riddick, Stout, Turner and Wyatt.

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The resolution, H. J. R. 101, was read and referred to the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-14-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

S. 268. (With Amendment): To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

RESOLUTION

The following resolution was introduced:

By Rep. Cates:

H. J. R. 102. COMMEMORATING THE 100th ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR.

WHEREAS, Douglas MacArthur was born January 26, 1880, the son of General Arthur MacArthur; he was graduated first in his class and with highest honors from the United States Military Academy at West Point; and

WHEREAS, Douglas MacArthur distinguished himself in service to his country during a brilliant military career which encompassed both World Wars, attaining the rank of General at a very young age and decorated on numerous occasions for meritorious and outstanding service; and

WHEREAS, his valiant defense of Corregidor during World War II earned for him the love and gratitude of the Philippine people to whom he promised, in historic and prophetic words, "I shall return"; and

WHEREAS, having triumphantly returned with freedom and dignity for the people of the Philippines, he later skillfully planned and executed the occupation of Japan, showing compassion for the vanquished in the great American tradition of freedom and dignity for all mankind; and

WHEREAS, on the occasion of the 100th Anniversary of the birth of General Douglas MacArthur, it is the desire of the Alabama Legislature to pay tribute to one of our nation's most outstanding countrymen, a brave soldier and patriot renown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in admiration and esteem, we hereby commemorate the birth of a courageous and compassionate man and a great American, General Douglas MacArthur.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Douglas MacArthur, to his son, Arthur MacArthur, IV, and to the MacArthur Memorial Foundation in Norfolk, Virginia.

On motion of Rep. Cates, the rules were suspended and the resolution, H. J. R. 102, was adopted.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 100, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, March 12, 1980.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, March 12, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative H. H. Adams.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn,

Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 103. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Wednesday, March 12, 1980, we adjourn to meet again on Thursday, March 13, 1980 at 10:30 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 103, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Smith:

S. 281. Relating to the existence and functioning of the Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 281. Sunset.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Smith:

S. 279. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission members shall hereafter be appointed by the Governor from a list of names submitted to him by a public service commission nominating committee, with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 279. Sunset.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 429. To transfer funds from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 429. Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 104. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 12, 1980, taking precedence over any other business of the House.

By Mr. Smith (Mr. Pegues):

S. 275 p. 6S. State health planning and development agency.

By Mr. Smith (Mr. Pegues):

S. 283 p. 7S. State health authorities.

By Mr. Holmes (Mr. Hilliard):

S. 271 p. 5S. Ala. Highway Finance Corporation.

By Mr. Holmes (Mr. Hilliard):

S. 270 p. 4S. Ala. Highway Authority.

By Mr. Smith (Mr. Hilliard):

S. 277 p. 6S. Governor's Committee on Employment of Handicapped.

By Mr. Smith (Mr. Pegues):

S. 285 p. 8S. State Forestry Commission.

By Mr. Parsons (Mr. Whatley):

S. 263 p. 2S. Dauphin Island Bridge Authority.

By Mr. Smith (Mr. Hammett):

S. 273 p. 5S. Abolish state board of pensions & security.

By Mr. Parsons (Mr. Hilliard):

S. 264 p. 2S. Terminate Ala. Turnpike Authority.

By Mr. Smith (Mr. Pegues):

S. 274 p. 5S. Dept. of Insurance of the State of Ala.

By Mr. Smith (Mr. Pegues):

S. 280 p. 6S. Alabama Dairy Commission.

By Mr. Smith (Mr. Pegues):

S. 262 p. 1S. Alabama Dairy Commission.

By Mr. Smith (Mr. Cosby):

S. 282 p. 7S. Alabama Water Improvement Commission.

By Mr. Smith (Mr. Pegues):

S. 284 p. 8S. Statewide health coordinating council.

By Mr. Parsons (Mr. Whatley):

S. 265 p. 2S. State Radiation Control Agency and Radiation Advisory Board.

By Mr. Parsons (Mr. Cosby):

S. 266 p. 3S. Alabama water well standards board.

By Mr. Holmes (Mr. Pegues):

S. 269 p. 4S. Aeronautics Commission.

By Mr. Parsons (Mr. Whatley):

S. 268 p. 4S. State of Alabama Anatomical Board.

By Mr. Parsons (Mr. Cosby):

S. 267 p. 3S. Terminate State Toll Bridge Authority.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 104, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar:

And the bill:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, II. 52 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90, 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Clark, Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nay: Rep. Greer.

—1

And the bill:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and the functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates,

Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

And the bill:

S. 273. To abolish the state board of pensions and security; to transfer the authority, powers and responsibilities to the commissioner of pensions and security; to provide that the commissioner shall be appointed by and serve at the pleasure of the governor; to amend Sections 38-2-1, 38-2-3, 38-2-5, 38-2-7, 38-2-8 and 38-2-13 of the Code of Alabama 1975, and to repeal Section 38-2-2 of the Code of Alabama 1975, so as to provide for the transfer of the functions and responsibilities of the state board and the appointment of the commissioner.

Was taken up.

SUBSTITUTE OFFERED

Rep. Drinkard offered the following substitute to the bill, S. 273:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Section 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the state board of pensions and security. Based on its review and evaluation of the said board, the Sunset Committee voted to recommend the continuance of the said department, created and functioning pursuant to Title 38 of the Code of Alabama 1975, and hereby recommends the continuance of the said board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Title 38 of the Code of Alabama 1975, relating to the board of pensions and security of the State of Alabama is hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the substitute offered by Rep. Drinkard to the bill, S. 273, was lost.

Yeas 28; Nays 52.

Yeas:

Mr. Speaker, Adams (C), Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dial, Hammett, Hilliard, Howard, Letson, McKee, Manley, Olive, Owens, Pegues, Ray, Roberts, Sasser, Shoemaker, Venable, Ward, Whatley, Willis and Zoghby.

—28

Nays:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cates, Cheatwood, Coburn, Cooley, Crow, Dixon, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Reed, Shavers, Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Warren, Williams and Wyatt.

—52

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Drinkard to the bill, S. 273, and the substitute was adopted.

Yeas 51; Nays 30.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Goodwin, Greer, Grimsley, Hall, Harper (O), Harrison, Harvey, Holley, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Minus, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Reed, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Warren, Williams and Wyatt.

—51

Nays:

Mr. Speaker, Adams (C), Biddle, Cabaniss, Campbell, Carter, Cosby, Dial, Grouby, Hammett, Hilliard, Howard, Jackson, Letson, McKee, McMillan, Manley, Olive, Owens, Pegues, Ray, Roberts, Sasser, Shoemaker, Starkey, Venable, Ward, Whatley, Willis and Zoghby.

—30

And the bill, S. 273 as thus amended, was read a third time at length and passed.

Yeas 52; Nays 28.

Yeas:

Reps., Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Reed, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Warren, Williams, Willis and Wyatt.

—52

Nays:

Mr. Speaker, Adams (C), Biddle, Cabaniss, Campbell, Carter, Cosby, Dial, Hall, Hammett, Hilliard, Howard, Kelley, McKee, McMillan, Manley, Olive, Owens, Pegues, Ray, Roberts, Sasser, Shoemaker, Starkey, Venable, Ward, Whatley and Zoghby.

—28

And the bill:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell,

Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

And the bill:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Kelley and Shavers.

—2

And the bill:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

Was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 262:

Amend Senate Bill 262, page 4, line 20 by removing the period (.) after the word "notification" and adding the following: ", except that members of the legislature shall be notified of such hearings by mail at least ten (10) days prior to the hearing date."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

And the bill, S. 262 as thus amended, was read a third time at length and passed.

Yeas 76; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne,

Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nays: Reps.: Hall, Harrison and Shavers.

—3

And the bill:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission

Was read a third time at length and passed.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

Nay: Rep. Harrison.

—1

And the bill:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Was read a third time at length and passed.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley,

Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Harrison.

—1

And the bill:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne,

Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Vanable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

And the bill:

S. 268. (With Amendment): To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Sunset, said committee amendment being as follows:

Amend S. B. 268, on page 3, line 10, by striking the word delivery and inserting in lieu thereof the word deliver.

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill, S. 268 as thus amended, was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

And the bill:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

RECESS

On motion of Rep. Manley, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REQUEST TO SENATE FOR RETURN OF BILL

On motion of Rep. Venable, the Clerk was directed to request the return of the bill, S. 262, from the Senate for further consideration by the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for the return of the following Bill for further consideration:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

McDOWELL LEE,
Secretary.

S. 262 RECONSIDERED

Having voted on the prevailing side, Rep. Venable offered the motion to reconsider the vote by which the bill, S. 262 as amended, was passed, and the motion to reconsider was adopted.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment previously offered by him to the bill, S. 262, was tabled.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—73

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 262:

Amend S. B. 262, on page 4, line 20, by removing the period after the word "notified" and adding the following: , except that members of the legislature shall be notified of such hearings by mail at least ten (10) days prior to the hearing date.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill, S. 262 as thus amended, was again read a third time at length and passed.

Yeas 76; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Hines, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nays: Reps.: Albright, Hall and Harvey.

—3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Whatley offered the motion that the House non-concur in the Senate amendment to the bill, H. 379, and request a Committee on Conference, said Senate amendment being as follows:

Amend House Bill No. 379 Page 16 Line 31, by inserting after the word effect, "all counties heretofore except under present laws are hereby exempted from any of the provisions of this act".

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; repealing said Sections 34-5-1 through 34-5-16 which relate to the present board of barber examiners, and providing further for the licensing and practice of barbering and barber colleges; creating a new board of barber examiners; and providing penalties for violations of this act.

Be It Enacted by the Legislature of Alabama.

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission with a complete reorganization of the present board of barber examiners, and to repeal Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, under which the present board operates.

Section 3. The existence and functioning of the Alabama Board of Barber Examiners is hereby continued as herein provided in Sections 4 through 19.

Section 4. "The Practice of Barbering" as used in this act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally.

Section 5. No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the Board of Barber Examiners.

No person shall permit any person in his employ or under his supervision or control to practice as a barber or as an apprentice unless the latter has a certificate of registration as a registered barber or apprentice, issued by the Board of Barber Examiners.

No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full time in the same shop.

No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, who is engaged in barbering full time in the same shop. No barber shop will have more than three apprentice barbers at one time.

Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

Students entering barber school must register with the State Barber Board and furnish current health certificate, and pay application fee of five dollars (\$5.00).

The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under the rules prescribed by the said board and shall include both practical demonstrations, written and oral test in reference to the practices for which a license is applied and such related studies as subjects for which a license is applied and such related studies or subjects as the board may determine necessary for the proper and efficient performance of such practices.

Section 6. Any person who can establish within six (6) months after the passage of this act that he is a barber or an apprentice as defined under this act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this act. This section will not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges under the State Vocational Schools.

All instructors operating under the State Vocational Schools shall be exempt from qualifying fees. The instructors shall receive an instructors certificate by paying the annual renewal fee as this act prescribes. All future instructors will be subject to all provisions of this act relating to instructors or assistant instructors.

All state operated barber colleges shall be exempt from fees.

Section 7. No person shall act as instructor or assistant instructor in a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor or an assistant instructor at the barber college unless he has a current and valid certificate of registration as an instructor or assistant instructor, issued by the Board of Barber Examiners.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all the following:

(1) He files an application with the board in such form as it may prescribe, accompanied by the required fee.

(2) He is of good moral character and temperate habits.

(3) He holds a diploma evidencing successful completion of high school, or has the equivalent education determined by an examination conducted by the board and approved by the Vocational Educational Division of the Department of Education.

(4) He has held a valid certificate of registration as a barber in Alabama and has practiced barbering in Alabama for at least the last three years before issuance of the instructor's certificate.

(5) He has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in barber schools.

(6) He satisfactorily passes an examination conducted by the board to determine his fitness to be an instructor.

(7) All instructors and assistant instructors must complete a forty (40) hour advanced training course semi-annually. This course will be under the supervision of the State Barber Board,

Assistant instructors must comply with each of the above requirements in order to obtain a certificate of registration as an assistant instructor except that they need have held a barber's certificate and practiced barbering in Alabama for only 18 months prior to the issuance of the assistant's certificate of registration.

Section 8. . No person shall be admitted to examination or receive a license to practice barbering under this act, except as otherwise provided in this act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 18 years of age;

(3) He is of good moral character and temperate habits;

(4) He has practiced a registered apprentice in Alabama for not less than eighteen (18) months under the immediate supervision of a registered barber; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

Any applicant for such a certificate of registration who fails to satisfactorily pass an examination conducted by the board shall have the right to apply again for another examination after a period of six (6) months and he may continue to apply every six (6) months thereafter until he has passed such examination provided he has practiced as an apprentice during said time.

No person shall be admitted to examination or receive a license as an apprentice under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

(1) He shall pay the original licensing fee as hereinafter provided for;

(2) He is at least 16 years of age;

(3) He is of good moral character and temperate habits;

(4) He has graduated from a barber college or school of barbering approved by the board; and

(5) He passes satisfactorily an examination conducted by the board to determine his fitness to practice as a registered apprentice.

Section 9. As used in this act, "Barber College" includes a school of barbering, college of barbering, barber school, and any other place or institution for the instruction or training of persons in the practice of barbering.

No person shall operate a barber college unless he holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

The board shall issue a certificate of registration for each college which complies with this act and regulations of the board.

An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe, accompanied by the fee required by this act. Upon receipt of the application, the board shall require the applicant, if an individual, or if the applicant is a firm partnership or corporation, a partner or officer thereof, to appear personally before the board and submit information, in such form as the board may by regulation prescribe, showing:

(1) The location of the proposed college and its physical facilities and equipment;

(2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided;

(3) The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;

(4) The financial ability of the applicant to operate the college in accordance with the requirements of this act and the regulations of the board; and

(5) Such other information as the board considers necessary.

Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this act and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

Section 10. For the purposes of the act and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a barber college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which was operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this act, to be a separate college. No such facility shall be operated or maintained by a college until and unless each has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this act paid and a certificate to operate and maintain the particular facility is issued by the board.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located, giving particular consideration to:

- (1) The economic character of the community;
- (2) The adequacy of existing barber shops and barber colleges in that community;
- (3) The ability of the community to support the proposed barber college;
- (4) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities;
- (5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities; and
- (6) The expressed opinion of the registered barbers in the area of the proposed college, as evidenced in person or by written petition to the board.

No barber college shall be approved by the board unless it requires as a prerequisite to graduation a course or instruction of not less than 1500 hours. The board shall approve all hours of instructions given by any of the state educational institutions and schools.

The course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, bacteriology; history of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis, diseases of the skin, hair glands, and the massaging and manipulation of the muscle of the body above the seventh cervical vertebra; hair cutting and shaving; and tinting of the hair.

Section 11. The board shall have the power to refuse, revoke and suspend licenses and certificates strictly in accordance with the provisions of the act upon proof of violation of any sections of the act.

The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this act. Provided, however, the board shall not on any of the grounds in this section stated, refuse to issue or renew any license or certificate nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least 20 days notice in writing, specifying the reason or reasons for denying the applicant's license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business.

Findings made by the board are deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given an aggrieved party, said aggrieved person shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery county. In event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part or reverse in part the finding of the board and shall render such final judgment as to the court may seem just and proper.

In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 12. The holder of a certificate or license issued by said board as provided by this act, who continues in active practice of said profession within the meaning of this act, shall on or before the first day of January renew his or her certificate or license and pay the renewal fee. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year.

The holder of the expired certificate or license may have within three (3) years of the date of expiration, the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practice or profession.

Section 13. Any person, firm or corporation who shall engage in any of the practices designated to be within the meaning of this act, or in any capacity wherein a certificate or license is required without a certificate or license provided in this act, or shall in any other form or manner violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$100.00 or shall be imprisoned for no more than ninety (90) days or both, and if a corporation, shall be punished by a fine of not less than \$500.00. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 14. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required under this act shall be as follows:

- (1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;
- (2) For an examination to determine the qualification of an applicant from another state, not to exceed \$50.00;
- (3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor not to exceed \$150.00;

(4) For the issuance of the initial certificate to operate a barber college, not to exceed \$500.00;

(5) For such annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$50.00;

(6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

(7) For the restoration of an expired certificate except for a barber college, not to exceed \$50.00;

(8) For the restoration of an expired certificate for a barber college, not to exceed \$100.00;

(9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber or apprentice in said shop;

(10) For the issuance of any duplicate certificate, \$3.00.

(11) For each annual renewal of a barber's or apprentice's certificate, \$20.00.

Section 15. Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 16. Receipts and expenses of board. All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within the state designated by the board. Such funds shall be expended for carrying out the purpose of the act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts of the State of Alabama.

Section 17. There is hereby created the Alabama Board of Examiners, to consist of five (5) persons. Such board shall be appointed by the Governor of the State of Alabama, one person appointed for the term of one year, one person for a term of two years, one person for a term of three years, one person for a term of four years and one person for a term of five years and until their successors are appointed and qualified.

Each member of said board shall be a practicing registered barber, who has followed the occupation of barbering for five continuous years in Alabama prior to his appointment.

The succeeding members of said board shall serve for five (5) years. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. Said board may do all things necessary and convenient for enforcing the provisions of this act. They may from time to time promulgate necessary rules and regulations compatible with the provisions of this act, and the State Board of Health.

The members of the board shall annually elect from among their numbers a president, a vice-president and appoint an executive secretary. The executive secretary need not be a member of the board. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this act. The compensation of said personnel shall be paid out of the funds

received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money before entering upon the discharge of his duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the penal sum of \$10,000, payable to the State of Alabama, to ensure the faithful performance of his or her duties as such executive secretary, and the premium on such bond shall be paid out of the funds of the board.

The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his official duties, when properly vouchered and authorized by the board.

Each member of the board shall receive compensation fixed by the board, not to exceed \$60.00 per diem while engaged in the discharge of his official duties and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel invalued in such official duties, not to exceed 30 days in any one calendar year.

The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operation of this act.

The board shall meet in the City of Montgomery, Alabama, on the second Monday in January, April, July and October of each year, and at such other times and places as the board may direct. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

The said board shall keep a permanent record of its proceedings. It shall keep a register of applications for certificate or license showing the name and location of his or her place of occupation or business and whether the applicant was granted or refused a license. The books and records of the board shall be prima facie evidence of the matters therein contained, which constitutes public records and shall at all reasonable times be open for public inspection.

The State Board of Barber Examiners shall work with, seek the advice and cooperate with the State Health Department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama.

The State Board of Examiners shall work with, seek the advice and cooperate with the State Department of Education on matters of establishing education of applicants for barber schools or applicants for apprentice license, or applicants for a certificate as a journeyman barber.

Section 18. This act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein, and such laws, codes, acts, or ordinances shall remain in their entirety in full force and effect.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Sections 34-5-1 through 34-5-16 and any other laws or parts of law in conflict herewith are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Naramore to table the motion offered by Rep. Whatley that the House non-concur in the Senate amendment to th bill, H. 379, and request a Committee on Conference, was lost.

Yeas 30; Nays 48.

Yeas:

Reps.: Albright, Barton, Brakefield, Carothers, Cheatwood, Cobb, Coburn, Cooley, Crow, Ford, Goodwin, Greer, Hall, Harvey, Holley, Holmes, Johnson (Roy), Kennedy, Mitchell, Moore, Naramore, Nevett, Parker, Rains, Shavers, Trammell, Turner, Warren, Williams and Wyatt.

—30

Nays:

Mr. Speaker, Adams (C), Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cosby, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Hines, Jackson, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Minus, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Venable, Ward, Whatley, Willis and Zoghby.

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 382. To continue the Alabama mental health board, which is provided in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

Also:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees, and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

McDOWELL LEE,
Secretary.

H. 379 RESUMED

The question was then on the motion offered by Rep. Whatley that the House non-concur in the Senate amendment to the bill, H. 379, and request a Committee on Conference.

SUBSTITUTE MOTION TABLED

On motion of Rep. Naramore, the substitute motion offered by Rep. Cates that the House non-concur in the Senate amendment to the bill, H. 379, was tabled.

Yeas 51; Nays 35.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Blake, Boles, Brakefield, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Edwards, Goodwin, Greer, Grimsley, Hall, Harvey, Hines, Holley, Holmes, Johnson (Roy), Kelley, Kennedy, Langford, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Payne, Rains, Ray, Riddick, Sasser, Shavers, Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

—51

Nays:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Cabaniss, Campbell, Cates, Clark, Dial, Dixon, Gilmer, Grouby, Hammett, Harper (T), Harrison, Jackson, Johnson (R. G.), Laird, Letson, McKee, McMillan, Manley, Minus, Owens, Patton, Pegues, Penry, Roberts, Sandusky, Shoemaker, Smith (C), Starkey, Ward, Whatley and Zoghby.

—35

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 380. Relating to the existence and functioning of the Alabama Alcoholic Beverage Control Board provided for in Title 28 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 381. To repeal Sections 41-9-90 through 41-9-95 inclusively and Sections 41-9-97 through 41-9-126, Code of Alabama 1975, inclusively, so as to terminate the existence and functioning of the Alabama boxing and wrestling commission and to amend Section 41-9-96, Code of Alabama 1975, which relates to the collection of licenses, fees and taxes on boxing and wrestling events, so as to retain such licenses, fees and taxes, to be collected and distributed by the commissioner of revenue equally between the state general fund and the American Legion, department of Alabama, and to retroactively amend Section 41-9-91 relating to payment of money to the American Legion, so as to retroactively alter the amount of money paid, and to provide for the disposition of furniture and equipment belonging to the commission, and to create a State Athletic Commission and prescribe its membership, compensation, meetings, duties, powers and authority.

Also:

H. 382. To continue the Alabama mental health board, which is provided for in Sections 22-50-1 through 22-50-17, 22-50-19, 22-50-20, 22-50-24, 22-50-40 through 22-50-43, 22-50-62, 22-51-1, 22-51-2, 22-51-7, 22-51-12 and 22-51-14 of the Code of Alabama 1975, and as otherwise provided by law, the recommendations and vote of the Sunset Committee to the contrary notwithstanding.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 379 RESUMED

The question was again on the motion offered by Rep. Whatley that the House non-concur in the Senate amendment to the bill, H. 379, and request a Committee on Conference, and the motion was adopted.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—88

Nays: Rep. Wyatt.

—1

The Speaker of the House named as the Committee on Conference on the part of the House, Reps. Whatley, Hilliard and Naramore.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bills:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said

board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and the delivery of dead bodies.

Also:

S. 273. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Daniels offered the motion that the House non-concur in the Senate amendment to the bill, H. 383, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission members provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections

37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, which sections relate to the commission and the election of its membership, terms of office, qualifications, salaries and filling of vacancies, so as to require that the commission shall hereafter be appointed by the Governor from a list of names submitted to him by a Public Service Commission nominating committee with Senate confirmation, to increase the membership of said commission to five (5), to provide further for the terms of office and qualifications of members, to provide further for the salaries of members, effective upon the expiration of the present terms of office of elected members, to provide for the annual election of a president from among commission members, to provide that commission members shall be in the unclassified service of the state; to provide all rights and benefits of state employment, including participation in the state retirement system, upon commission members, and to repeal existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based on its review and evaluation of the said agency, the Sunset Committee voted to recommend the continuance of the said commission, created and functioning pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, with the additional provisions to: (a) provide that commission members be appointed by the Governor and such appointees shall be confirmed by the Senate of the State of Alabama within 30 calendar days, if the legislature is in session at the time of such appointment; however, in the event the legislature is not in session at the time of such appointment; the Senate must confirm the appointment within 30 calendar days after the convening of the next session of the legislature or such appointment will be voided and the office will be vacated; (b) to increase the membership from three (3) to five (5) members; (c) to provide further for the terms of office and qualifications of commission members; (d) to provide for the annual election of a commission president by and among the membership of the commission; (e) to provide further for the salaries of members of the commission, effective upon the expiration of the present terms of office of the elected members; (f) to confer all rights and privileges, including retirement system participation, of state employment upon commission members who shall be in the unclassified service of the state, and (g) to repeal conflicting laws.

Section 3. The existence and functioning of the Alabama Public Service Commission pursuant to Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, are hereby continued.

Section 4. Sections 37-1-1, 37-1-3 and 37-1-11 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 37-1-1. A commission to be known as the Public Service Commission consisting of a President and two associates five (5) members who shall be competent persons and qualified electors of the State, and who shall possess such other qualifications as may be required by Section 37-1-3 of the Code of Alabama 1975, is hereby established."

"§ 37-1-3. (a) Until the year 1981, The the terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday in November, 1940, and every four years thereafter, a president of said commission shall be elected by the qualified electors of this state; and at the election to be held in the state on the first Tuesday after the first Monday in November, 1942, and every four years thereafter, two associates, who, with the president, shall constitute said commission, shall be elected by the qualified electors of the state. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court. Upon the effective date of this amendatory act, all members of the commission serving elected terms of office shall continue to serve until the expiration of their respective terms, and thereafter, their successors shall be appointed by the Governor, provided such appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above. The governor shall make the appointment for each commission place from a list of three names submitted to him for each such place by a public service commission nominating committee. Said committee shall be composed of 6 members with 3 members appointed by the Speaker of the House of Representatives and 3 members appointed by the Lieutenant Governor. The term of office of the members of the nominating committee shall run concurrently with that of the office of Lieutenant Governor. The successor to the incumbent President, or the person selected to fill any vacancy occurring in the presidency upon the effective date of this amendatory act, shall be appointed as an associate member for a term of three (3) years which commences on the first Monday after the second Tuesday in January 1981. Thereafter, successors shall be appointed for terms of five (5) years, commencing on the first Monday after the second Tuesday in the years of the appointment. The successors to the incumbent associate commissioners shall be appointed one member for a term of four (4) years and one member for a term of five (5) years which terms shall commence on the first Monday after the second Tuesday in January 1983. Thereafter, their successors shall be appointed for terms of five (5) years. After the term of the incumbent President expires, the President of the Commission shall be chosen annually by a majority vote of the members of the Commission, and any member shall be eligible for re-election as president.

"(b) Within one hundred and twenty (120) calendar days after this amendatory act becomes law, two new members of the Commission shall be appointed as follows: One additional member shall be appointed for a four (4) year term and the other additional member for a term of five (5) years, which terms shall commence on the first Monday after the second Tuesday in January 1981. Thereafter, all successors to the newly created members shall serve terms of office for five (5) years. Any member shall be eligible for re-appointment for an unlimited number of terms provided his re-appointment is confirmed by the Senate of the State of Alabama as herein provided in Section 1 above.

"(b) (c) Except as otherwise provided herein The the persons elected appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second Tuesday in January after their election appointment, and shall continue in office until their successors are elected appointed and qualified.

"(e) (d) if any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, as provided in subsection (a) hereof the appointee holding for

the balance of the unexpired term, subject to confirmation by the senate of the State of Alabama as herein provided in Section 1 above. If any person elected to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor as provided in subsection (a) hereof, the appointee to hold for the term for which the person so failing or refusing to qualify was elected.

"(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

"(e) The provisions of this section shall not diminish the current term of any member elected to the public service commission.

"(f) No person shall be eligible for appointment by the governor as provided in subsection (a) hereof unless the governor is satisfied that the person is competent and knowledgeable in one or more fields which include but are not limited to: public affairs, law, economics, accounting, engineering, finance, energy, communications, transportation, management or another field substantially related to the duties and functions of the Public Service Commission.

"(g) Effective January 1, 1983 members of the Public Service Commission shall be in the unclassified service of the state with entitlement to all benefits and programs available to state personnel under the provisions of the state merit system, including, but not limited to, participation in the state employees' retirement system."

§ 37-1-11. "The president of such commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum, until the terms of office beginning on the first Monday after the second Tuesday in January 1983, at which time the current terms of the elected commission members end. On and after said date, the salary of each commission member shall be set at the same rate of salary as the highest paid cabinet officer of the governor, as is provided by section 36-6-6, Code of Alabama 1975, as now or hereafter amended or supplemented. Such salary shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION OFFERED

Rep. Johnson (Roy) offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 383, and request a Committee on Conference be appointed on the differences of the two Houses to the Senate amendment, with instruction.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Pegues to the substitute motion offered by Rep. Johnson (Roy), that the House non-concur in the Senate amendment to the bill, H. 383, and request a Committee on Conference be appointed, was tabled.

Yeas 54; Nays 37.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hilliard, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Patton, Payne, Rains, Reed, Shavers, Smith (C), Smith (M), Starkey, Stout, Trammell, Turnham, Warren, Williams and Wyatt.

—54

Nays:

Mr. Speaker, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark, Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gilmer, Harper (O), Harrison, Harvey, Hines, Jackson, Johnson (R. G.), Kelley, McMillan, Manley, Olive, Owens, Pegues, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Venable, Ward, Whatley and Zoghby.

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SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Johnson (Roy), that the House non-concur in the Senate amendment to the bill, H. 383, and request a Committee on Conference, with instruction, be appointed to resolve the differences between the two Houses on the Senate amendment, and the substitute motion was adopted.

Yeas 81; Nays 4.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

Nays: Reps.: Cabaniss, Campbell, Dixon and Manley.

—4

The Speaker appointed as a Committee on Conference on the part of the House, Reps. Hammett, Pegues and Daniels.

RESOLUTION

The following resolution was introduced:

By Reps. Shoemaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorqudale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 105. DESIGNATING THE WEEK OF MARCH 10-14, 1980, AS "TOMMY CARTER WORK WEEK" FOR THE ALABAMA LEGISLATURE.

WHEREAS, it is to be noted, and recorded for all time, that the Legislature today is in the midst of a three-day work week during Alabama's traditional Spring recess; and

WHEREAS, as thousands of our fellow citizens enjoy respite from their labors, the same was not to be for the solons on Montgomery's Goat Hill who toil in serious solidarity, far from sun, sea, shore and sand; and

WHEREAS, though our colleagues in the Senate frivolously suggested a one-day recess, our beloved brother, Tommy Carter, was quick to quell such nonsense, demanding instead that we make our home the dome for a full week of work and no play; and

WHEREAS, quick to see the error of our ways, we acquiesced to the wisdom of Tommy Carter, substituting diligence for dalliance; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the week of March 10-14, 1980, is hereby designated, and shall forever be known, as "Tommy Carter Work Week" for the Alabama Legislature.

BE IT FURTHER RESOLVED, That our esteemed colleague, Tommy Carter, be presented with a copy of this resolution as a memento of an historic first, and as a reminder that whatever takes place this week will forever be to his credit—or blame.

On motion of Rep. Shoemaker, the rules were suspended and the resolution, H. R. 105, was adopted.

Yeas 85; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin,

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Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—85

Nays:

Reps.: Hines, McMillan, Sandusky, Turnham and Zoghby.

—5

RECESS

On motion of Rep. Manley, the House stood in informal recess.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Teague, St. John, and Smith.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Denton, Cook, and Hall.

McDOWELL LEE,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE

HOUSE BILL 379

We, the Committee of Conference appointed to reconcile the differences between the two houses concerning the bill, House Bill 379, have met and report as follows:

That a majority of the conferees from each House are unable to reach an agreement. We recommend that this Committee of Conference be dissolved and request that another Conference Committee be appointed.

House Conferees.

ALVIS NARAMORE,
CHARLES WHATLEY,
EARL T. HILLIARD,

Senate Conferees.

BOBBY DENTON,
DOUG COOK,
BOB HALL.

REPORT OF COMMITTEE ON CONFERENCE

On motion of Rep. Whatley, the House concurred in an adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 379, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

Nays: Reps.: Dixon and Starkey.

—2

The Speaker appointed as a committee on the part of the House, Reps. Whatley, Hilliard and Naramore.

REPORT OF THE CONFERENCE COMMITTEE APPOINTED

TO CONSIDER THE SUBSTITUTE FOR H. B. 383

The Conference Committee voted unanimously to recommend to the House and Senate that the attached bill continuing the Alabama Public

Service Commission be passed by both Houses of the legislature, and further that the attached Resolution setting up an interim committee of five members of the House and five members of the Senate, be appointed to report by the twentieth legislative day of the current session to both Houses their recommendations for the revamping and reorganization of the Alabama Public Service Commission.

Submitted respectfully,

FINIS ST. JOHN,
Chairman.

JOHN TEAGUE,

BILL SMITH,

SETH HAMMETT,

GENE DANIELS,

LEIGH PEGUES.

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Service Commission. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after consideration, debate and evaluation of said agency, does not hereby direct and order the continuance of said Alabama Public Service Commission as presently constituted and functioning under the laws of this state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE

On motion of Rep. Hammett, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 383, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 83; Nays 8.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

83

Nays:

Mr. Speaker, Campbell, Manley, Owens, Pegues, Roberts, Shoemaker and Turnham.

—8

And the bill:

H. 383. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members and to repeal all conflicting statutes.

As thus amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 71; Nays 16.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Harrison, Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

—71

Nays:

Mr. Speaker, Campbell, Dial, Gilmer, Hammett, McKee, McMillan, Manley, Owens, Pegues, Roberts, Sandusky, Shoemaker, Turnham, Ward and Zoghby.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 263. To repeal Sections 23-2-80 through 23-2-104 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Dauphin Island Bridge Authority; and to provide for an effective date.

Also:

S. 264. To repeal Sections 23-2-1 through 23-2-26 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Turnpike Authority; provide for an effective date.

Also:

S. 265. Relating to radiation control; and relating to the existence and functioning of the State Radiation Control Agency and the Radiation Advisory Board provided for in Sections 22-14-1 through 22-14-15, Code of Alabama 1975 and Act No. 79-105, H. 176 of the 1979 Regular Session

Also:

S. 266. Relating to the existence and functioning of the Alabama water well standards board provided for in Sections 22-24-1 through 22-24-12 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 22-24-3, 22-24-8 and 22-24-10 of the Code of Alabama 1975, which Sections relate to the board membership, its rules and regulations, and its financial matters, so as to require that: one member be a non-industry person; the board must enforce its own rules and regulations and make certain notification requirements, to require the Board to remit surplus funds to the General Fund and repealing Section 22-24-6 of the Code of Alabama 1975, which section requires surety bond from applicants.

Also:

S. 267. To repeal Sections 23-2-40 through 23-2-64 of the Code of Alabama 1975, so as to terminate the existence and functioning of the State Toll Bridge Authority; and to provide for an effective date.

Also:

S. 268. To change the name of the Board for distribution and delivery of dead bodies to the "State of Alabama Anatomical Board"; to allow said

board to solicit dead bodies; to continue the existence and functioning of said board as provided in Sections 22-19-21 and 22-19-23 through 22-19-30 of the Code of Alabama 1975; and to amend Sections 22-19-20 and 22-19-22 of the Code of Alabama 1975, relating to the name of the board and delivery of dead bodies.

Also:

S. 269. Relating to aeronautics; and relating to the existence and functioning of the Alabama department of aeronautics and the Alabama aeronautics commission provided for in Sections 4-2-30 through 4-2-51 and 4-2-70 through 4-2-80 and 4-2-90 through 4-2-95, Code of Alabama 1975.

Also:

S. 270. Relating to the existence and functioning of the Alabama Highway Authority provided for in Sections 23-1-150 through 23-1-160 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 271. Relating to the existence and functioning of the Alabama Highway Finance Corporation provided for in Sections 23-1-170 through 23-1-181 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 274. Relating to the existence and functioning of the department of insurance of the State of Alabama, provided for in Title 27 of the Code of Alabama 1975, and Act No. 79-661, S. 100 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 275. Relating to the existence and functioning of the state health planning and development agency provided for in Sections 22-4-1 through 22-4-17 and 22-21-260 through 22-21-277 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 277. To prescribe the manner and method the Governor's Committee on Employment of the Handicapped shall report to the Governor and the legislature, and the minimum data required; and to continue the existence and functioning of the said Committee as provided by Sections 21-5-1 through 21-5-9 of the Code of Alabama, 1975.

Also:

S. 280. Relating to the contingent existence and functioning of the Alabama Dairy Commission, provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

S. 282. Relating to the provisions of the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended by Act No. 79-542, S. 258 of the 1979 Regular Session, and the provisions' applicability to the Alabama Water Improvement Commission, created by

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Sections 22-22-1 through 22-22-14 of the Code of Alabama, 1975, as amended, so as to state the recommendation of the Sunset Committee to continue the existence of such Commission; and to provide the continued existence of the Alabama Water Improvement Commission.

Also:

S. 283. Relating to state health authorities; and relating to the existence and functioning of the State Board of Health and the State Committee on Public Health provided for in Sections 22-2-1 through 22-2-14, and 20-2-90 11-50-241, 11-50-291, 11-50-323, 11-50-372, 11-89-19 and Title 22, Chapter 4 of the Code of Alabama 1975.

Also:

S. 284. Relating to the existence and functioning of the statewide health coordinating council provided for in Sections 22-4-2, 22-4-3, 22-4-5, 22-4-7 through 22-4-11, 22-4-13, 22-21-260 and 22-21-274 of the Code of Alabama 1975, and Act No. 79-577, H. 52 of the 1979 Regular Session, and as otherwise provided by law.

Also:

S. 285. Relating to the existence and functioning of the State Forestry Commission provided for in Sections 9-3-1 through 9-3-16 and 9-13-1, 9-13-3, 9-13-4, 9-13-10, 9-13-50 and 9-13-84, Code of Alabama 1975 and Act No. 79-830, H. 486 of the 1979 Regular Session.

Also:

S. 273. Relating to the existence and functioning of the state board of pensions and security provided for in Title 38 of the Code of Alabama 1975.

Also:

S. 262. Relating to the existence and functioning of the Alabama Dairy Commission provided for in Sections 2-13-40 through 2-13-66 of the Code of Alabama 1975, and as otherwise provided by law; amending Sections 2-13-50 and 2-13-56 of the Code of Alabama 1975, which sections relate to bonding requirements for distributors and handlers of milk and dairy producers and price hearings, so as to increase the maximum bonding requirement for distributors, dealers, processors and handlers of milk and dairy products; to provide for price hearings to allow a single hearing for the entire state; and to repeal existing laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House that the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 379. Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state for a period of one year.

be discharged and a new Conference Committee appointed.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Denton, Cook, and Hall.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Daniels:

H. J. R. 106. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the reorganization of the Alabama Public Service Commission. The committee shall be composed of five members of the House of Representatives and five members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among its members a chairman.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 20th legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved.

On motion of Rep. Daniels, the rules were suspended and the resolution, H. J. R. 106, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of

Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 560. Relating to Lawrence County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title has been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

And said Bill, H. B. 383, as amended by the Conference Committee report, was again read at length and passed, and the Resolution, H. J. R. 106, was concurred in and adopted by the Senate.

And said Bill, H. B. 383, together with the Conference Report, is herewith returned to the House.

And, pursuant to the provisions of H. J. R. 106, the President and Presiding Officer of the Senate has appointed as members on part of the Senate Messrs. Cook, Teague, Smith, Bailey and Gulleddge.

McDOWELL LEE,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE

HOUSE BILL 379

We the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 379 have met in conference and have agreed to accept the attached substitute.

House Conferees.

CHARLES WHATLEY,

ALVIS NARAMORE,

Senate Conferees.

BOBBY DENTON,

BOB HALL,

DOUG COOK.

A BILL
TO BE ENTITLED
AN ACT

Relating to the existence and functioning of the Alabama Board of Barber Examiners provided for in Sections 34-5-1 through 34-5-16 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Board of Barber Examiners shall be continued as presently constituted under the laws of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the "Alabama Sunset Act of 1976," Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended by Act No. 79-542, So. 258 of the 1979 Regular Session, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Barber Examiners. Based upon its review and evaluation of said agency, the Sunset Committee made certain recommendations to the legislature. The legislature, after consideration, debate and evaluation of said agency, does hereby direct and order the continuance of said Alabama Board of Barber Examiners as presently constituted and functioning under the laws of this state.

Section 2. For each annual renewal of a barber's or apprentice's certificate, \$20.00; provided, that in cities and unincorporated towns of 2,000 or less according to the last federal decennial census, the fee shall be \$10.00.

Section 3. Unless an act is rewritten and adopted, the Alabama Board of Barber Examiners will terminate on the 30th legislative day of the 1981 Regular Session.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE

Rep. Whatley offered the motion that the House non-concur in the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 379, set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION OFFERED

Rep. Naramore offered the substitute motion that the House concur in the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 379.

MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the substitute motion offered by Rep. Naramore, was lost.

Yeas 37; Nays 46.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Cabaniss, Campbell, Cates, Clark, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Harper (T), Hilliard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, Manley, Minus, Olive, Owens, Pegues, Roberts, Sandusky, Shoemaker, Smith (J), Starkey, Turnham, Waggoner, Ward, Whatley and Zoghby.

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Nays:

Reps.: Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Holley, Johnson (Roy), Kennedy, Lewis, Mitchell, Moore, Naramore, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Smith (M), Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

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The question was then on the substitute motion offered by Rep. Naramore that the House concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 379.

H. 379 INDEFINITELY POSTPONED

Rep. Jackson offered the motion to indefinitely postpone further consideration of the bill, H. 379 and the Report of the Committee on Conference, and the motion was adopted.

Yeas 50; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Boles, Cabaniss, Campbell, Cates, Cheatwood, Clark, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Hilliard, Holmes, Jackson, Johnson (R. G.), Laird, Langford, Lewis, McKee, Manley, Minus, Olive,

Owens, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Waggoner, Ward, Whatley and Zoghby.

—50

Nays:

Reps.: Albright, Barton, Blake, Bowling, Brakefield, Carothers, Carter, Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Holley, Johnson (Roy), Kelley, Letson, Mitchell, Moore, Naramore, Parker, Patton, Payne, Rains, Ray, Smith (M), Stewart, Venable, Warren, Williams, Willis and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 383. Relating to the existence and functioning of the Alabama Public Service Commission provided for in Sections 37-1-1 through 37-1-157 of the Code of Alabama 1975, and as otherwise provided by law; declaring that the Alabama Public Service Commission shall be continued as presently constituted under the laws of this state.

Also:

H. J. R. 106. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Owens (With Notice and Proof):

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:35 P.M. on March 12, 1980.

H. 380.

H. 381.

H. 382.

Delivered to the Governor at 6:55 P.M. on March 12, 1980.

H. 560.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley and pursuant to the resolution, H. R. 103, heretofore adopted, the House adjourned until 10:30 o'clock a.m., Thursday, March 13, 1980.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 13, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Charles G. DeBardeleben, Assistant Minister, First Presbyterian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn,

Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Also:

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters

in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Also:

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Also:

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Also:

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 87. MOURNING THE DEATH OF MR. RAY S. HAMRICK, SR.

Also:

H. J. R. 89. NAMING THE ATHLETIC FIELDS AT J. O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

Also:

H. J. R. 92. COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

Also:

H. J. R. 98. NAMING THE J. A. WINTZELL MEMORIAL BRIDGE.

Also:

H. J. R. 102. COMMEMORATING THE 100th ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 107. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 107, was adopted.

Also:

By Reps. McCorquodale and Johnson (Roy):

H. R. 108. URGING GOVERNOR JAMES TO RECONSIDER HIS MEMORANDUM OF MARCH 10, 1980, RELATING TO STATE EMPLOYEES.

WHEREAS, the Legislature of Alabama, in 1939, created a Merit System to administer, control and regulate employment in the service of the State of Alabama; and

WHEREAS, the purpose of the legislature was to assure all citizens of demonstrated capacity, ability, and training and equal opportunity to compete for service with the State of Alabama without regard to a political spoils system; and

WHEREAS, the Merit System Act, found constitutional by the Supreme Court of Alabama in 1939, still stands after more than 40 years as the law of Alabama and may be found in the Code of Alabama 1975, Sections 36-26-1 through 36-26-83; and

WHEREAS, the legislature, in its wisdom, provided as part of the Merit System Act, a state personnel board to consist of three persons appointed by the Governor with the consent of the Alabama Senate; and

WHEREAS, said state personnel board has been vested by the legislature with the powers of administration of the Merit System Act; and

WHEREAS, the legislature has provided that the personnel board shall appoint a director to serve as the head of the personnel department, to supervise and direct all of the personnel department's administrative and technical activities; and

WHEREAS, the legislature has come into possession of a memorandum from the Governor of Alabama, directed to the above mentioned director of the state personnel department advising that:

"As of this date, please be advised no employees are to be hired, promoted, transferred, etc., without the concurrence of Dr. David Bronner.

"Dr. Bronner will serve as my personal contact with all departments, agencies, boards, etc., and is the final authority in this matter."; and

WHEREAS, the legislature has not authorized the Governor to replace the personnel board, the employees of the personnel department and the director thereof with the above mentioned David Bronner or any other person; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the Governor is hereby requested to take note of the statutory laws of the State of Alabama as mentioned above as they relate to the "hiring, promoting, transferring, etc." of state employees and that he reconsider his memorandum of March 10, 1980, as referred to above.

On motion of Rep. McCorquodale, the rules were suspended and the resolution, H. R. 108, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 108:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Burton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

Also:

By Rep. Manley:

H. J. R. 109. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980; when we adjourn on Tuesday, March 18, we adjourn to meet again on Thursday, March 20, 1980; when we adjourn on Thursday, March 20, we adjourn to meet again on Tuesday, March 25, 1980; when we adjourn on Tuesday, March 25, we adjourn to meet again on Thursday, March 27, 1980; and when we adjourn on Thursday, March 27, we adjourn to meet again on Tuesday, April 1, 1980.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 109, was adopted.

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 217 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,
Legal Advisor.

Done this 11th day of March, 1980.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 217 without my signature and approval and with the following suggested Executive Amendment.

In order to correct a typographical error in the title of the Bill, delete the year "1978" in line 17 and insert in lieu thereof the year "1979".

The adoption of the above and foregoing suggested Executive Amendment will correct a typographical error in the title of this Bill.

Respectfully,

FOB JAMES.

GOVERNOR'S MESSAGE

On motion of Rep. Campbell, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 217, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1978.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Moore:

H. R. 110. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 411.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill H. B. 411, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does H. B. 411, which (1) rearranges the boundary of the City of Hoover, (2) provides for a referendum election by the residents of the proposed areas, (3) provides for zoning of the annexed area, (4) exempts or limits certain taxes within the annexed area, and (5) ratifies certain agreements between the City of Hoover and residents of the proposed area, violate Section 45 of the 1901 Constitution of Alabama which provides, in part, that "each law shall contain but one subject, which shall be clearly expressed in its title"?

2. Does Section 4 of H. B. 411 violate Section 106 of the 1901 Constitution of Alabama, which states in part that the publication of notice "shall state the substance of the proposed law"? Specifically, do mere references to the "Annexation Agreement" (which is not a matter of public record) and to the Planned Unit Development (PUD) zoning ordinances of the city of Hoover in Jefferson County give the electors of Shelby County substantial notice of the law proposed by Section 4 of H. B. 411?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send a sufficient number of true copies of the pending bill, H. B. 411, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Moore, the rules were suspended and the resolution, H. R. 110, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Owens offered the motion that the House non-concur in the Senate amendment to the bill, H. 540, and request a Committee on Conference on the disagreement of the two Houses, to the bill, H. 540, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To transfer funds from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TABLED

On motion of Rep. Owens, the substitute motion offered by Rep. Johnson (Roy) that the House concur in and adopt the Senate amendment to the bill, H. 540, was tabled.

Yeas 58; Nays 36.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Harrison, Hines, Jackson, Kelley, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Adams (C), Albright, Amari, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Harper (O), Hilliard, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Naramore, Rains, Smith (C), Trammell, Turner and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 165. Relating to Covington County; to repeal Act No. 552, H. 968, approved November 19, 1959, Regular Session 1959 (Acts 1959, p. 1359), entitled "An Act Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties."

Also:

H. 191. Relating to Mobile County; providing for an additional expense allowance for the tax assessor.

Also:

H. 513. Relating to Calhoun County; to further provide for the compensation of the Civil Service Board.

Also:

H. 514. To alter, rearrange and reduce the boundaries and corporate limits of the City of Anniston in Calhoun County.

Also:

H. 561. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

H. 567. Relating to Pike County, increasing the pistol permit fee in said county and providing for the disposition of funds derived therefrom.

Also:

H. 602. To require the sponsor of a nursing home patient to authorize the county tax collector to collect the earned and unearned income of such patient and pay such moneys over to the Medical Services Administration for the administration of the medicaid program; and to provide for the collection of such moneys by the tax collector.

Also:

H. J. R. 87. MOURNING THE DEATH OF MR. RAY S. HAMRICK, SR.

Also:

H. J. R. 89. NAMING THE ATHLETIC FIELDS AT J. O. BOWERS PARK IN TUSCALOOSA, ALABAMA, "THE JOE L. HUTT ATHLETIC FIELDS."

Also:

H. J. R. 92. COMMENDING AND CONGRATULATING THE HUNTSVILLE EAST ALLSTARS, GIRLS SOFTBALL, DIXIE WORLD SERIES CHAMPIONS.

Also:

H. J. R. 98. NAMING THE J. A. WINTZELL MEMORIAL BRIDGE.

Also:

H. J. R. 102. COMMEMORATING THE 100th ANNIVERSARY OF THE BIRTH OF DOUGLAS MacARTHUR.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 540 RESUMED

The question was then on the motion offered by Rep. Owens that the House non-concur in the Senate amendment to the bill, H. 540, and request a Committee on Conference, and the motion was adopted.

Yeas 65; Nays 29.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grouby, Hammett, Harper (T), Harrison, Harvey, Hines, Jackson, Kelley, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—65

Nays:

Reps.: Adams (C), Albright, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Hall, Harper (O), Hilliard, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Naramore, Shavers, Smith (C), Trammell, Turner and Wyatt.

—29

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

By Mr. Vacca:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

By Mr. Keener:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Also:

By Mr. Kirkland:

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

Also:

By Mr. Figures:

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Also:

By Mr. Gullledge:

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 77. Ways and Means.

S. 80. Ways and Means.

S. 317. Judiciary.

S. 238. Judiciary.

S. 167. Judiciary.

SENATE MESSAGE

The Senate Bill, S. 200, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 187. To establish appropriate procedures for administering the funds appropriated from the Alabama Special Educational Trust Fund for Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers.

Also:

By Mr. Higginbotham:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 187. Ways and Means.

S. 126. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Harrison:

S. 155. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code: (Acts 1971, p. 3290), relative to dismissal of any action on any debt for collection at the cost of the plaintiff."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 155. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Also:

By Mr. St. John:

S. 217. To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Also:

By Mr. Little:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Also:

By Mr. Teague:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 174. Judiciary.

S. 217. Judiciary.

S. 118. State Administration.

S. 111. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Little, Mitchem, Holmes, Proctor, Smith, deGraffenried, McDonald, Barron, Miller, Bailey, Vacca, Parsons, Britnell, Glass and Martin:

S. 320. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for Medicaid emergency use and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Committee as follows:

S. 320. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Messrs. St. John, Higginbotham, Little, Denton, Gulledge, Bailey, Parsons, McDonald, Lemaster and Taylor:

S. 220. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to state tax on net income of corporations, so as to alter the tax rate and provide for the distribution of any additional revenue.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 220, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Vacca, Cook, Clemon, Hall, White, Parsons, Proctor and Pearson (With Notice and Proof):

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a

deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 329 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 329. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried, Keener, St. John and Proctor:

S. 105. The purpose of this bill is to amend § 41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

Also:

By Mr. Bailey:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Also:

By Mr. Bailey:

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which

provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Also:

By Mr. Proctor:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

Also:

By Mr. Teague:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Also:

By Mr. Teague:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets and fish boxes so as to provide that the location of said baskets and fish boxes shall not be required to be marked with a buoy or float.

Also:

By Messrs. Parsons, Hall and Little:

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Also:

By Mr. St. John:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 105. Judiciary.
- S. 48. State Administration.
- S. 135. Insurance.
- S. 15. Judiciary.
- S. 110. Highway Safety.
- S. 323. Natural Resources.
- S. 214. Judiciary.
- S. 306. Insurance.

COMMITTEE APPOINTED

The Speaker appointed as the Committee on Conference on the part of the House to the bill, H. 540, Reps. Pegues, Owens and Manley.

BILLS ON SECOND READING

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 88. RENAMING THE HALL-PILLANS SCHOOL THE PALMER PILLANS SCHOOL.

On motion of Rep. Buskey, consideration of the resolution, H. J. R. 88, was temporarily postponed.

Also:

H. J. R. 43. REQUESTING THE CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U. S. CONSTITUTION.

The resolution, H. J. R. 43, was read a second time at length as required by the Constitution.

RESOLUTION

The following resolution was introduced:

By Reps. Smith (C), Moore and Waggoner:

H. J. R. 111. COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

WHEREAS, under the tutelage of Band Director Jim Weese, the Montevallo High School Band has been the recipient of numerous awards and honors in local, state and district competition; the 100-member marching band, 48-member symphonic band and the 42-member concert band are all to be most highly commended for excellence of performance; and

WHEREAS, the Band has been rated Superior in Sight Reading for seven straight years and Excellent and Superior, overall, for eight years in the ABA State Competition Festival; in addition to having several students named annually to the All-State Band, the Montevallo High School Band was also selected by state judges in 1979 as the Best Band of Class "CC" in Alabama; and

WHEREAS, Excellent and Superior ratings have been earned by the Band for nine years in marching contests in Alabama and Florida, and this year was rated All Superior in the Mid Alabama and Central Alabama Marching Festivals; further honors include Superior ratings in the University of Montevallo Band Contest for four straight years, First Place in 1977 and 1979 and Third in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Montevallo High School Band for outstanding accomplishments in competition and for civic performances in the community and surrounding areas.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Principal W. C. Corbett for appropriate school display with a copy also to Band Director Jim Weese on behalf of the entire Montevallo High School Band.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 111, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Rains voting "Nay" on the motion offered by Rep. Owens to non-concur in the Senate amendment to the bill, H. 540.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Holley:

H. 691. Relating to the 12th judicial circuit; providing for an additional circuit judge in such circuit.

Ways and Means.

By Rep. Carothers:

H. 692. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

State Administration.

By Rep. Dial (With Notice and Proof):

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cheatwood (With Notice and Proof):

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Stout:

H. 695. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

Judiciary.

By Reps. Stout and Rains (With Notice and Proof):

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing

for the eligibility in run-joff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 696, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (H), Willis, Drinkard, Harvey, Ford, Coburn, Riddick, Carter, Adams (C), Whatley and Ward:

H. 697. To amend Section 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be expended for grain handling facilities at the various state docks facilities throughout Alabama.

Ways and Means.

By Reps. Bennett, Sandusky, Lewis and Riddick:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Ways and Means.

By Reps. Bennett, Dixon, Bedsole, Harper (T), Zoghby, Lewis, Turnham, Pegues, Naramore and Hilliard:

H. 699. To amend section 16-23-2, Code of Alabama 1975, relating to the certification of teachers, so as to provide a school teacher the option of doing graduate work leading to a master's degree or beyond completely in his field and to be certified and paid as if teacher education courses had been a part of his curriculum.

Education.

By Rep. Johnson (Roy):

H. 700. To provide for a guaranteed minimum starting wage or salary for all county, minicipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Ways and Means.

By Reps. Adams (C), Starkey, Langford, Biddle, Clark, Campbell, Ward, Willis, Johnson (R. G.), Minus, Whatley, Carothers, Williams, Sandusky, Johnson (Roy), Cates, Wyatt, Ray, Grouby, Grimsley, Laird, Stout, Harvey, Bowling, Brakefield, Roberts, Patton, Carter, Smith (C), Naramore and Waggoner:

H. 701. To amend Title 23, Code of Alabama, 1975, as amended relating to the Federal Aid Highway Finance Authority and to specifically amend the following sections: Section 23-1-300 relating to the purpose and construction of the article; Title 23-1-306 relating to the powers generally of the Federal Aid Highway Finance Authority; 23-1-307 relating to bonds and notes—authorization for issuance; 23-1-313 relating to bonds and notes, disposition of proceeds from sale generally; 23-1-314 relating to bonds and notes, appropriations and pledges of revenue for payment of principal and interest generally, sinking fund; and 23-1-317 relating to authorization of expenditure of Federal Aid directly by State Highway Department; contracts for construction, reconstruction, etc. of highways; performance, etc. of construction, etc. done by authority without award of contract therefore; promulgation and enforcement of rules and regulations; conveyance of property to state; highways constructed deemed part of public highway system.

State Administration.

By Reps. Adams (C), Starkey, Langford, Adams (H), Biddle, Clark, Campbell, Ward, Willis, Johnson (R. G.), Minus, Whatley, Carothers, Williams, Sandusky, Ray, Grouby, Grimsley, Laird, Wyatt, Cates, Stout, Harvey, Bowling, Brakefield, Roberts, Patton, Carter, Smith (C), Naramore and Waggoner:

H. 702. This bill creates an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department. The purpose of said account is to allow the Highway Department to initiate a Road Machinery and Equipment Management System. This bill allows the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account. It appropriates those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

State Administration.

By Reps. Adams (C), Adams (H), Biddle, Starkey, Clark, Campbell, Willis, Johnson (R. G.), Minus, Whatley, Carothers, Williams, Sandusky, Johnson (Roy), Ray, Grouby, Grimsley, Cates, Wyatt, Laird, Stout, Harvey, Bowling, Brakefield, Roberts, Patton, Naramore and Waggoner:

H. 703. To amend Section 39-2-2 of the Code of Alabama 1975, relating to public bids, so as to allow the state highway department to mail notices for sealed bids on all state highway project contracts to qualified contractors and to all material suppliers and other interested parties who are on their annual mailing list in lieu of advertising for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or undertaking or some part thereof is to be made.

State Administration.

By Reps. Stout and Rains (With Notice and Proof):

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1989-1980.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford and Wyatt:

H. 705. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties while operating a motor vehicle or equipment in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Judiciary.

By Reps. Stout and Rains (With Notice and Proof):

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 706, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 708, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections.

Judiciary.

By Rep. Campbell (With Notice and Proof):

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. 11, p. 838), in relation to the expense allowance of members of the civil service board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 710, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (T):

H. 711. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

Natural Resources.

By Rep. Harper (T):

H. 712. To revise the laws pertaining to taking shrimp for bait.

Natural Resources.

By Reps. Cobb, Smith (C), Naramore and Payne:

H. 713. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

State Administration.

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By Rep. Harper (T):

H. 714. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

Natural Resources.

By Rep. Amari:

H. 715. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 21; repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this act.

Ways and Means.

By Reps. Greer, Turnham, Hall, Goodwin, Coburn, Carter, Trammell, Riddick, Shavers, Stout, Brakefield, Patton, Cooley, Holmes, Rains, Harper (O), Albright, Cobb, Boles, Olive, Bennett, Moore, McKee, Smith (M), Barton, Mitchell, Johnson (Roy), Bowling, Roberts, Dial, Blake, Adams (H), Reed, Laird, Grimsley, Langford, Wyatt, Cates, Shoemaker, Willis, Crow, Cheatwood, Harvey, Daniels, Amari, Starkey, Warren, Holley, Turner, Ford, Gafford, Manley, Penry, Lewis and Naramore:

H. 716. To repeal Chapter 20 of Title 41 of the Code of Alabama 1975 which is known as the Alabama Sunset Law of 1976 and which relates to the continuation or termination of state agencies.

State Administration.

By Rep. Cobb (With Notice and Proof):

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (C), Turnham and Carothers:

H. 718. To provide that full-time employees and executive officers of the Alabama Vocational Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Ways and Means.

By Rep. Hines:

H. 719. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

State Administration.

By Rep. Dixon (With Notice and Proof):

H. 720. Relating to Montgomery County; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to prescribe violations and offenses, and provide for the imposition of fines, penalties and the suspension or revocation of licenses; to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer; and to provide for a referendum election on this subject in said county.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 720, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rains:

H. 721. To provide for a toll-free telephone hotline into the Governor's office and to make appropriation from the state general fund for such purpose.

Ways and Means.

By Rep. Buskey (With Notice and Proof):

H. 722. To amend Act No. 248, A. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 722, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
13th Day

561

By Reps. Buskey, Kennedy, Turner, Zoghby, McMillan and Stewart (With Notice and Proof):

H. 723. Relating to Mobile County; directing the members of the board of registrars in said county to be available for voter registration and voter reidentification in each ward and precinct in the county at least once during a calendar year.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Local Legislation No. 3.

By Rep. McKee:

H. 725. To amend Sections 5-18-17, 5-19-20, 5-19-21, 27-13-2 and 27-13-3 of the Code of Alabama 1975 so as to authorize and require the commissioner of insurance to regulate certain forms of credit insurance.

Banking.

By Rep. McKee:

H. 726. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Ways and Means.

By Rep. Hammett (With Notice and Proof):

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 727, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 728, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turner, Reed, Kennedy, Amari, Buskey, Brakefield, Adams (H), Rains, Cooley, Albright, Crow, Langford, Laird, Harper (O), Gilmer, Cheatwood, Mitchell, Drinkard, Olive, Grimsley, Bennett, Cosby, Minus, Letson, Hall, Trammell, Lewis, Hilliard, Howard, Tucker, McMillan, Patton, Smith (M), Wyatt, Smith (C), Holley, Penry, Carter, Edwards, Harper (T), Johnson (Roy), Daniels, Whatley, Willis, Ward, Boles, Bowling, Blake, Naramore, Harvey, Horn, Goodwin, Gafford, Williams, Ford and Nevett:

H. 729. To transfer funds from the state insurance fund to the credit of the state general fund to be used only for medicaid and investigation of welfare fraud purposes; and to further provide for the transfer back of said said funds from the state general fund to the state insurance fund and the attorney general's office by the state finance director with approval of the Governor.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 730, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Jackson:

H. 731. To amend section 12-17-4, Code of Alabama 1975, relating to the procedure for court personnel joining the state personnel system to transfer to the state employees' retirement system, so as to provide further for the procedure by which such personnel may purchase prior service credit in the state employees' retirement system.

Ways and Means.

By Rep. Smith (J):

H. 732. To provide that any person convicted of certain crimes shall never be eligible for parole under Article 2 of Chapter 22 of Title 15 of the Code of Alabama 1975, nor for any deduction of sentence under Chapter 9 of Title 14 of the Code of Alabama 1975.

Judiciary.

By Rep. Amari:

H. 733. To amend Section 12-18-8, Code of Alabama 1975, and Act 79-566 of the Regular Session of the 1979 Legislature which relate to the state judicial retirement system law, so as to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system and to extend the qualifying date of service as it relates to eligibility within said system.

Ways and Means.

By Reps. Turnham and Sasser:

H. 734. To amend section 16-22-5, Code of Alabama 1975, authorizing local school boards to form groups for the purpose of obtaining group insurance, so as to allow retired employees of local school boards to continue in any group after their retirement.

Education.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kelley and Turnham:

H. J. R. 112. "CONGRESSIONAL APPROVAL OF PENSION FOR WORLD WAR I VETERANS"

A Concurrent Resolution memorializing Congress to enact House of Representatives Bill 1918, a service pension for certain surviving spouses and dependent children of veterans of World War I.

WHEREAS, sixty-three years ago, the Nation declared war on Germany and Austria in defense of freedom of the seas and over four and one-half million young Americans left their jobs and classrooms to help win the war that was "To make the World safe for Democracy"; and,

WHEREAS, Alabama sent 86,000 men to fight in World War I and some 8,000 of them are still living at an average age of 84 years, with a large percentage of them being house-bound and in desperate need of care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Congress pay the debt that America owes these needy, aged, veterans, by enacting into law H. R. 1918.

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit enrolled copies of this Resolution to the President of the United States, the Honorable Jimmy Carter, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each Member of Congress from our State.

On motion of Rep. Kelley, the rules were suspended and the resolution, H. J. R. 112, was adopted.

Also:

By Rep. Bedsole:

H. J. R. 113. CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

WHEREAS, Coach Jimmy Butler, in his first season as coach of the girls basketball team, led them to a tremendous season of twenty-two wins and only eight defeats; and

WHEREAS, this season was the first time the "Lady Jags" defeated either Alabama or Auburn, and they beat each of them twice; and

WHEREAS, the University of South Alabama "Lady Jags" won the State Championship for the first time in their brief history; and

WHEREAS, this is the first time that the "Lady Jags" have participated in the Region Three Tournament; and

WHEREAS, two of the "Lady Jags", Annie Laurie Witherington and Jessie Brown, have been nominated for the Kodak All-American Team, and Annie Laurie Witherington is one of the thirty finalists for the Wade Trophy; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate the University of South Alabama's Girls Basketball Team, and their coach, Mr. Jimmy Butler, for their achievements in winning the State Championship and giving the State of Alabama another national power in athletic competition.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the "Lady Jags", and their coach, Mr. Jimmy Butler.

On motion of Rep. Bedsole, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Blake, Dial and Crow:

H. R. 114. COMMENDING AND CONGRATULATING EDDIE MARTIN, CHAMPION AUTO RACER.

Also:

The following resolution was introduced:

By Rep. Smith (C):

H. J. R. 115. COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

WHEREAS, the Chilton County Volunteer Fire Department System is composed of eleven different departments, organized by the Alabama Forestry Commission and under the direction of Coordinator Tobie Mayfield of Clanton, a Chilton County Forest Ranger; and

WHEREAS, organized during the years 1975-1979, the Chilton County system provides 100 percent fire protection coverage for all homes in Chilton County, the only Alabama County to enjoy such security; and

WHEREAS, all departments have been rated by the Insurance Services Organization and as a result, insurance rates for the entire county have dropped an average of \$20 per household; and

WHEREAS, the Chilton County Volunteer Fire Department System is rated number one of all rural fire departments organized in the State of Alabama, a designation also of the U. S. Forestry Department in an article appearing in the current issue of the Alabama Forestry Directory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Chilton County Volunteer Fire Departments for their outstanding organization and for their efficiency and effectiveness in providing fire protection for all of Chilton County.

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to Coordinator Tobie Mayfield with copies also to all departments of the Chilton County Volunteer Fire Department System, rated number one in Alabama.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 115, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Ford to suspend the rules in order to take up out of order the third reading of the bill, H. 58, was lost.

Yeas 19; Nays 33.

Yeas:

Mr. Speaker, Barton, Blake, Brakefield, Carter, Coburn, Crow, Drinkard, Ford, Goodwin, Greer, Hall, Harper (O), Harvey, Kelley, Letson, Naramore, Turnham and Willis.

—19

Nays:

Reps.: Amari, Bennett, Buskey, Cabaniss, Campbell, Clark, Dixon, Edwards, Gafford, Gregg, Harper (T), Harrison, Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, Manley, Olive, Parker, Payne, Pegues, Rains, Riddick, Starkey, Stewart, Turner, Venable and Ward.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

On motion of Rep. Manley, the House recessed until 2:00 o'clock p.m.

Yeas 50; Nays 31.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Greer, Grouby, Hammett, Harper (T), Harvey, Hines,

Kelley, Kennedy, Letson, McMillan, Manley, Naramore, Olive, Patton, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—50

Nays:

Reps.: Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Cobb, Crow, Drinkard, Ford, Gafford, Goodwin, Gregg, Hall, Harper (O), Harrison, Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Laird, Lewis, Minus, Mitchell, Parker, Payne, Rains, Stewart and Stout.

—31

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTION

The following resolution was introduced:

By Reps. Bowling, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whately, Williams, Willis, Wyatt and Zoghby:

H. J. R. 116. MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Rebecca Naramore on February 29, 1980, at the age of 74; and

WHEREAS, Mrs. Rebecca Naramore, the beloved mother of our friend Alvis Naramore, was a resident of Walker County and the Cedrum Community for some 35 years; and

WHEREAS, though profoundly devoted to her family, Mrs. Naramore's goodness and warmth extended to include a large circle of neighbors and friends, all of whom returned her love in great and bountiful measure; and

WHEREAS, Mrs. Rebecca Naramore was a devout Christian, a compassionate and gracious lady who will be long remembered with love by all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Rebecca Naramore and extend heartfelt sympathy to her husband, Mr. Claude Naramore, to her son and our good friend, Alvis Naramore, and other family members to whom copies of this resolution shall be sent that they may know we truly share the sorrow of their great loss.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 116, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act. No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Pearson, St. John, and McDonald.

McDowell Lee,
Secretary.

BILLS ON THIRD READING

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Patton, the rules were suspended in order to take up out of order the bills, S. 86 and S. 87.

Yeas 55; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Clark, Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Harper (O), Harper (T), Harvey, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McMillan, Minus, Mitchell, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turnham, Warren, Williams, Willis and Zoghby.

—55

Nays:

Reps.: Bennett, Buskey, Dixon, Hall, Horn, Jackson, Langford, Parker, Payne, Stewart, Turner and Wyatt.

—12

S. 86 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, S. 86, was temporarily postponed.

MOTION TO TEMPORARILY POSTPONE

Rep. Adams (C) offered the motion to temporarily postpone the bill, S. 87.

And the bill:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 87:

On page 1, Section 1, Line 37, after the semicolon, add the following language: the terms of only those who take office in October 1, 1980, shall be 3 years and 9 months;

AMENDMENT TABLED

On motion of Rep. Patton, the amendment offered by Rep. Venable to the bill, S. 87, was tabled.

Yeas 36; Nays 32.

Yeas:

Reps.: Adams (H), Blake, Brakefield, Campbell, Carter, Cheatwood, Cobb, Coburn, Cosby, Edwards, Ford, Goodwin, Greer, Gregg, Grouby, Harper (O), Harper (T), Hilliard, Kelley, Laird, Letson, McKee, Minus, Parker, Patton, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Waggoner, Warren and Willis.

—36

Nays:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Bowling, Carothers, Clark, Cooley, Dial, Gilmer, Hall, Harrison, Harvey, Hines, Horn, Jackson, Johnson (R. G.), Langford, McMillan, Mitchell, Moore, Naramore, Reed, Smith (C), Smith (M), Turner, Turnham, Venable, Ward, Whatley and Wyatt

—32

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Shoemaker offered the motion to reconsider the vote by which the amendment offered by Rep. Venable to the bill, S. 87, was tabled, and the motion to reconsider was adopted.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cooley, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Grouby, Hall, Harper (T), Harrison, Harvey, Hines, Holley, Horn, Jackson, Johnson (R. G.), Kelley, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Pegues, Penry, Reed, Shoemaker, Smith (C), Smith (M), Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Blake, Brakefield, Carter, Cobb, Coburn, Cosby, Goodwin, Greer, Gregg, Laird, Letson, McKee, Patton, Rains, Riddick, Roberts, Sasser, Smith (J), and Starkey.

—19

AMENDMENT INDEFINITELY POSTPONED

The question was again on the amendment offered by Rep. Venable to the bill, S. 87, and on motion of Rep. Pegues, the amendment was indefinitely postponed.

Yeas 42; Nays 31.

Yeas:

Reps.: Adams (H), Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cobb, Coburn, Cooley, Cosby, Edwards, Gafford, Goodwin, Greer, Gregg, Grouby, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, McMillan, Manley, Minus, Moore, Owens, Parker, Patton, Pegues, Rains, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stout, Waggoner and Zoghby.

—42

Nays:

Reps.: Adams (C), Albright, Boles, Bowling, Cates, Clark, Crow, Daniels, Dial, Hall, Hammett, Harper (O), Hilliard, Horn, Jackson, Kelley, Langford, Mitchell, Naramore, Penry, Reed, Smith (M), Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—31

S. 87 TEMPORARILY POSTPONED

On motion of Rep. Patton, further consideration of the bill, S. 87, was temporarily postponed.

And the bill:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the

provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Was read a third time at length and passed.

Yeas 72; Nays 3.

Yeas:

Reps.: Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—72

Nays: Reps.: Albright, Horn and Jackson.

—3

S. 87 RESUMED

And the bill, S. 87, which previously was temporarily postponed, was read a third time at length and passed.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Pegues, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—74

Nay: Rep. Albright.

—1

And the bill:

H. 93. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Was taken up.

H. 93 INDEFINITELY POSTPONED

On motion of Rep. Patton, the bill, H. 93, was indefinitely postponed.

And the bill:

H. 94. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Was taken up.

H. 94 INDEFINITELY POSTPONED

On motion of Rep. Patton, the bill, H. 94, was indefinitely postponed.

And the bill:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Was taken up.

S. 299 POSTPONED

On motion of Rep. Patton, the bill, S. 299, was postponed to the fourteenth legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 109. SETTING MEETING DAYS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 109, said Senate amendment being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 13, 1980, we adjourn to meet again on Tuesday, March 18, 1980.

And the resolution, H. J. R. 109 as thus amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Miller:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS, PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

Also:

By Messrs. Glass, Robertson and Holmes:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 51 and S. J. R. 29, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 54. CHANGING THE NAME OF "MEDICAL SERVICES ADMINISTRATION" TO MEDICAID AGENCY.

Also:

By Mr. Weeks:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

Also:

By Mr. Callahan:

S. J. R. 57. CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

Also:

By Mr. Higginbotham:

S. J. R. 58. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 54 and S. J. R. 55, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

On motion of Rep. Bedsole, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 57, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Starkey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. deGraffenried and Robertson:

S. J. R. 59. CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 59, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 60. HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

By Mr. deGraffenried:

S. J. R. 61. MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

Also:

By Mr. Miller:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U. S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 60 and S. J. R. 61, the titles of which are set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 62, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. McDonald:

S. J. R. 69. RELATING TO THE ORDER OF BUSINESS IN THE SENATE AND HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the order of business in the Senate and House of Representatives on this the tenth legislative day of this the 1980 Regular Session of the Alabama Legislature, on this the sixth of March, 1980, and for each legislative day thereafter, shall be the order of business provided for in the duly adopted rules and joint rules of the Senate and House of Representatives, the provisions of Sections 41-20-1 through 41-20-16 and particularly the provisions of Section 41-20-10 to the contrary notwithstanding.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 69, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 67. COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

Also:

By Mr. Little:

S. J. R. 68. COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kelley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 67, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Ward, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 68, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 80. COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Mitchell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 80, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 83. CONGRATULATING THE BOAZ HIGH SCHOOL PI-RATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

By Messrs. Miller and Little:

S. J. R. 84. MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kelley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 83, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 84, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Taylor, Barron, Harrison and Miller:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

WHEREAS, by virtue of the fact that the City of Montgomery is our state's governmental center and the location of both Maxwell Air Force Base and Gunter Air Force Station, adequate passenger airline service is an absolute necessity; and

WHEREAS, Montgomery, further, is estimated to be a metropolis of some 180,000 persons, with an entire trade area encompassing 13 counties, and its immediate trade area population, from just three counties, is more than a quarter of a million; and

WHEREAS, even more importantly, because of its central Alabama location, numerous individuals both from within and without the large trade area travel to Montgomery for departure to Atlanta, Georgia, and connecting flights to points around the globe; and

WHEREAS, with numerous manufacturing plants already situated in and near Montgomery, additional plants and industry continue to find Montgomery a desirable location and it is therefore anticipated that Montgomery, as other big cities in the rapidly growing Southeastern United States, will continue to increase in population as will its need for adequate airline service; and

WHEREAS, by Eastern Airline's admission, its Montgomery flights are adequately booked and therefore in no way economically detrimental; to the contrary we would assume that Montgomery flights, normally full, would be economically advantageous to Eastern in that the majority of persons make connecting reservations with the original issuer of a ticket whenever possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request Eastern Airlines to reconsider its decision to discontinue service in Montgomery, Alabama.

BE IT FURTHER RESOLVED, That the Alabama Legislature also urges its entire Congressional Delegation in Washington, D. C., to assist the Legislature and the City of Montgomery in efforts to retain adequate airline passenger service for this large portion of the State of Alabama.

RESOLVED FURTHER, That copies of this resolution be dispatched to the President of Eastern Airlines and to the members of the Alabama Congressional delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McKee, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 63, set out in the above and foregoing Message from the Senate.

MOTION TO RECESS LOST

The motion offered by Rep. Clark that the House stand in informal recess to the call of the Chair, was lost.

Yeas 21; Nays 34.

Yeas:

Mr. Speaker, Bedsole, Bowling, Carothers, Clark, Coburn, Cooley, Crow, Horn, Jackson, Kelley, Minus, Moore, Parker, Reed, Sandusky, Shoemaker, Starkey, Trammell, Williams and Willis.

—21

Nays:

Reps.: Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Cabaniss, Carter, Cates, Cobb, Daniels, Dixon, Drinkard, Ford, Greer, Grouby, Hines, Howard, Johnson (R. G.), Laird, Langford, Lewis, McMillan, Mitchell, Naramore, Patton, Payne, Roberts, Smith (C), Stewart, Turner, Venable, Wyatt and Zoghby.

—34

BILLS ON THIRD READING RESUMED

And the bill:

H. 287. To further amend Section 40-23-4, Code of Alabama 1975 as amended, to provide for the exemption of the gross proceeds from certain

sales of ethyl alcohol and the ethyl alcohol portion of gasohol, to remove the exemption, except for persons 65 years of age or older, for the gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975.

Which was postponed on the fourth legislative day, was taken up.

H. 287 POSTPONED

On motion of Rep. Clark, the bill, H. 287, was postponed to the fourteenth legislative day.

RESOLUTION

The following resolution was introduced:

By Rep. Barton:

H. J. R. 117. CALLING UPON THE STATE BOARD OF EDUCATION TO FORMULATE A CONTINGENCY PLAN TO PROVIDE FOR UNINTERRUPTED PUBLIC SCHOOL SESSIONS IN ALABAMA.

WHEREAS, the Legislature of Alabama is totally and unalterably committed to providing the best education possible, within financial means, for the youth of Alabama, and most certainly through their uninterrupted instruction in the basic skills necessary for a full and useful life; and

WHEREAS, directly affecting such a commitment by this body, and by all responsible citizens of this state, is recent action taken by Alabama Education Association delegates, authorizing its board of directors to call a "statewide job action" if the Legislature removes earmarking of the Special Educational Trust Fund and/or fails to authorize AEA's demands for salary increases in stated amounts; and

WHEREAS, in the light of the shortage of state revenue and a reluctance to raise taxes to a point beyond the means of so many of our citizens who also are as beset by inflation as are our educators, the legislature must at least consider the unearmarking of funds to provide flexibility for other vital programs, according to need, and in time of need; and

WHEREAS, unearmarking and salary increases, however, are not the issue, but rather the unthinkable closing of our schools to the detriment, first and foremost, of our young students who are but innocent pawns of any unresolved differences between AEA and the legislature's efforts to provide funding for all programs, all of which affect some portion of our state's citizenry; and

WHEREAS, in the assumption that "statewide job action" is a thinly veiled threat to strike, the Alabama Legislature deems it necessary to protect our state's school children from interruption of instruction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the State Board of Education to immediately formulate a contingency plan to assure that our public schools remain open in the event of a strike by professional educational employees of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted forthwith to the State Board of Education that they may take steps to comply with this request and that they may also know of our further request to advise the Alabama Legislature of what plan of action we can expect in the event of a teachers' strike in Alabama.

SUBSTITUTE OFFERED

Rep. Hilliard offered the following substitute to the resolution, H. J. R. 117:

CALLING UPON THE STATE BOARD OF EDUCATION TO FORMULATE A CONTINGENCY PLAN TO PROVIDE FOR UNINTERRUPTED PUBLIC SCHOOL SESSIONS IN ALABAMA.

WHEREAS, the Legislature of Alabama is totally and unalterably committed to providing the best education possible, within financial means, for the youth of Alabama, and most certainly through their uninterrupted instruction in the basic skills necessary for a full and useful life; and

WHEREAS, unearmarking and salary increases, however, are not the issue, but rather the unthinkable closing of our schools to the detriment, first and foremost, of our young students who are but innocent pawns of any unresolved differences between AEA and the legislature's efforts to provide funding for all programs, all of which affect some portion of our state's citizenry;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the State Board of Education to immediately formulate a contingency plan to assure that our public schools remain open in the event of a strike by professional educational employees of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted forthwith to the State Board of Education that they may take steps to comply with this request and that they may also know of our further request to advise the Alabama Legislature of what plan of action we can expect in the event of a teachers' strike in Alabama.

MOTION TO TABLE LOST

The motion offered by Rep. Barton to table the substitute offered by Rep. Hilliard to the resolution, H. J. R. 117, was lost.

Yeas 31; Nays 44.

Yeas:

Mr. Speaker, Barton, Bedsole, Cabaniss, Carothers, Carter, Cates, Clark, Cosby, Dial, Gafford, Gilmer, Goodwin, Harper (T), Hines, Letson, McKee, McMillan, Manley, Mitchell, Moore, Parker, Payne, Penry, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Venable and Zoghby.

—31

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Coburn, Cooley, Crow, Dixon, Edwards, Ford, Greer, Gregg, Grouby, Hall, Harper (O), Hilliard,

Holley, Horn, Howard, Jackson, Kennedy, Laird, Langford, Minus, Naramore, Patton, Reed, Smith (C), Smith (M), Starkey, Trammell, Turner, Warren, Whatley, Willis and Wyatt.

—44

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Hilliard to the resolution, H. J. R. 117, and the substitute was adopted.

Yeas 38; Nays 30.

Yeas:

Reps.: Adams (C), Amari, Barton, Bennett, Blake, Buskey, Cates, Cheatwood, Cobb, Cosby, Crow, Dixon, Edwards, Greer, Grimsley, Grouby, Hammett, Harper (T), Hilliard, Holley, Horn, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Moore, Patton, Sasser, Smith (M), Starkey, Turner, Venable, Ward, Warren, Whatley and Willis.

—38

Nays:

Mr. Speaker, Adams (H), Albright, Bedsole, Boles, Bowling Brakefield, Cabaniss, Carter, Cooley, Dial, Drinkard, Ford, Gafford, Gilmer, Hall, Howard, Manley, Minus, Mitchell, Naramore, Payne, Penry, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Trammell and Wyatt.

—30

MOTION TO SUSPEND RULES

Rep. Holley offered the motion to suspend the rules and adopt the resolution, H. J. R. 117 as amended.

DIVISION OF THE QUESTION

Rep. Carothers called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 117 as amended, and the motion was lost.

Yeas 15; Nays 51.

Yeas:

Reps.: Amari, Barton, Bennett, Blake, Carothers, Edwards, Greer, Holley, Laird, Parker, Smith (M), Starkey, Trammell, Turner and Zoghby.

—15

Nays:

Mr. Speaker, Adams (H), Albright, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Grouby, Hall, Harper (T), Harvey, Hilliard, Hines, Horn, Howard, Jackson, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Maramore, Patton, Payne, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable and Wyatt.

—51

The resolution, H. J. R. 117 as amended, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 76. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 24.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Clark, Dial, Edwards, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Kelley, Lewis, McKee, Manley, Minus, Moore, Patton, Riddick, Roberts, Shoemaker, Starkey, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—37

Nays:

Reps.: Albright, Barton, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Coburn, Cooley, Cosby, Ford, Greer, Hilliard, Horn, Howard, Kennedy, Langford, Mitchell, Naramore, Payne, Penry, Smith (C), Stewart and Trammell.

—24

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 109. Relative to the next meeting date; i. e., Tuesday, March 18, 1980.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 154. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS POSTPONED

On motion of Rep. Starkey, the bills, H. 285 and H. 286, which were postponed on the fourth legislative day, were postponed to the fourteenth legislative day.

BILLS POSTPONED

On motion of Rep. Clark, the bills, H. 288, H. 289, H. 290 and H. 291, which were postponed on the fourth legislative day, were postponed to the fourteenth legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Albright to suspend the rules in order to take up out of order the bills, H. 266 and H. 267, was lost, lacking a four-fifths vote.

Yeas 27; Nays 20.

Yeas:

Reps.: Albright, Bedsole, Blake, Cheatwood, Cobb, Cosby, Crow, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (T), Hines, Holley, Langford, McKee, Naramore, Rains, Smith (C), Trammell, Turner, Willis and Wyatt.

—27

Nays:

Reps.: Adams (C), Amari, Bennett, Campbell, Clark, Dixon, Drinkard, Kelley, Lewis, Manley, Parker, Patton, Payne, Penry, Riddick, Starkey, Stewart, Turnham, Waggoner and Ward.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 270 TEMPORARILY POSTPONED

On motion of Rep. Riddick, the bill, H. 270, as amended and temporarily postponed on the sixth legislative day, was temporarily postponed.

BILLS ON THIRD READING RESUMED

And the bill:

H. 221. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Which was postponed on the seventh legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 221:

A BILL TO BE ENTITLED AN ACT

To provide that the testimony of a witness testifying under oath before a legislative committee under certain circumstances shall be admissible as evidence in any civil or criminal proceedings in any court in this state; to provide for the compelling of attendance of witnesses, the issuing of subpoenas and subpoenas duces tecum and the administering of oaths by any such committee; to provide for the transcribing and preservation of testimony; and to provide that the provisions are cumulative; and to provide for sanctions.

Be It Enacted by the Legislature of Alabama:

Section 1. The Testimony given under oath of any witness testifying before a legislative committee, which is transcribed by a special roving court reporter and certified and attested by the committee chairman and said special roving court reporter before whom the proceedings were had that the same is a true and complete copy of the proceedings, shall be admissible as evidence in any civil or criminal proceeding in any court in this state.

Section 2. Said testimony together with any written, handout or other material offered and marked as an exhibit, shall be preserved by the committee chairman.

Section 3. Any legislative committee acting pursuant to the provisions of this Act, may, by a recorded affirmative vote of a majority of the membership of the committee, compel attendance of witnesses, and cause subpoena and subpoenas duces tecum to be issued by the clerk of the committee and served and administer oaths to witnesses.

Section 4. Failure by any person without adequate excuse to obey a subpoena served upon him shall be deemed a contempt of the legislature within the purview of Article IV, Section 53 of the Constitution of Alabama of 1901, and pursuant to this Act upon a recorded majority affirmative vote of the membership of the committee, may be subject to the imposition of a fine not exceeding \$500.00 or incarcerated in the county jail for a period not exceeding 10 days, or both. All fines shall be paid into the general fund of the State of Alabama.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 46; Nays 4.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (T), Holley, Johnson (R. G.), Langford, Manley, Minus, Moore, Parker, Patton, Penry, Rains, Shoemaker, Smith (C), Starkey, Stewart, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—46

Nays: Reps.: Bowling, Brakefield, Hall and Naramore.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Adams (C) offered the following amendment to the bill, H. 221 as amended:

On page 2, line 16, after the period, insert the following language:

Provided, however, no subpoena shall be issued to any private citizen or group that is not involved in state government unless they receive monies or other things of value from the state or any subdivision thereof. The provision contained herein, however, shall apply to registered lobbyists.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Boles, Bowling Brakefield, Cabaniss, Carothers, Cates, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Langford, Lewis, McKee, McMillan, Moore, Naramore, Penry, Riddick, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams and Willis.

—51

Nays:

Reps. Barton, Campbell, Clark, Dixon, Hines, Kelley, Minus, Rains, Turner and Zoghby.

—10

MOTION TO INDEFINITELY POSTPONE LOST

Rep. Boles offered the motion to indefinitely postpone the bill, H. 221 as amended, and the motion was lost.

Yeas 22; Nays 51.

Yeas:

Reps.: Boles, Bowling, Brakefield, Buskey, Cheatwood, Cooley, Goodwin, Hall, Hilliard, Horn, Howard, Jackson, Kennedy, Langford, McKee, Naramore, Rains, Trammell, Turner, Turnham, Venable and Wyatt.

—22

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Clark, Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Hines, Johnson (R. G.), Kelley, Laird,

Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Riddick, Roberts, Shoemaker, Smith (J), Smith (M), Starkey, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—51

And the bill:

H. 221. To provide that the testimony of a witness testifying under oath before a legislative committee under certain circumstances shall be admissible as evidence in any civil or criminal proceedings in any court in this state; to provide for the compelling of attendance of witnesses, the issuing of subpoenas and subpoenas duces tecum and the administering of oaths by any such committee; to provide for the transcribing and preservation of testimony; and to provide that the provisions are cumulative; and to provide for sanctions.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Clark, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Hines, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Turnham, Ward, Whatley, Williams, Willis and Zoghby.

—55

Nays:

Reps.: Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Goodwin, Hall, Hilliard, Horn, Howard, Kennedy, Langford, McKee, Naramore, Rains, Stewart, Trammell, Turner, Venable and Wyatt.

—21

MOTION TO RECESS LOST

The motion offered by Rep. Carothers that the House stand in recess to the call of the Chair, was lost.

Yeas 32; Nays 42.

Yeas:

Mr. Speaker, Buskey, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Edwards, Gafford, Goodwin, Grimsley, Hall, Hammett, Hines, Johnson (R. G.), Kelley, Minus, Moore, Parker, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Trammell, Turnham, Waggoner, Warren, Whatley and Williams.

—32

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cobb, Dial, Dixon, Drinkard, Ford, Gilmer, Greer, Gregg, Grouby, Harper (O), Harper (T), Harvey, Hilliard, Holley,

REGULAR SESSION
13th Day

587

Horn, Howard, Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Mitchell, Naramore, Payne, Penry, Smith (C), Stewart, Turner, Ward, Willis and Wyatt.

—42

MOTION TO RECESS LOST

The motion offered by Rep. Carothers that the House recess until 6:00 o'clock p.m., was lost.

Yeas 30; Nays 42.

Yeas:

Mr. Speaker, Buskey, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Edwards, Gafford, Grouby, Hall, Hammett, Hines, Horn, Johnson (R. G.), Kelley, Kennedy, Minus, Moore, Naramore, Roberts, Shoemaker, Smith (J), Starkey, Trammell, Waggoner, Warren and Whatley.

—30

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Cobb, Dial, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Harper (O), Harper (T), Harvey, Holley, Johnson (Roy), Langford, Lewis, McKee, McMillan, Mitchell, Parker, Payne, Penry, Rains, Smith (C), Stewart, Turnham, Ward, Willis, Wyatt and Zoghby.

—42

MOTION TO RECESS

Rep. Gafford offered the motion that the House recess until 5:00 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Greer that the House recess until 8:00 o'clock p.m., was lost.

Yeas 24; Nays 42.

Yeas:

Mr. Speaker, Buskey, Carothers, Carter, Cosby, Dial, Gafford, Goodwin, Greer, Grouby, Hall, Hines, Kennedy, McMillan, Minus, Moore, Naramore, Roberts, Shoemaker, Starkey, Trammell, Waggoner, Warren and Whatley.

—24

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (Roy), Kelley, Langford, Lewis, McKee, Mitchell, Parker, Payne, Penry, Rains, Smith (C), Smith (J), Smith (M), Stewart, Turnham, Willis, Wyatt and Zoghby.

—42

MOTION TO RECESS LOST

The question was then on the motion offered by Rep. Gafford that the House recess until 5:00 o'clock p.m., and the motion was lost.

Yeas 38; Nays 38

Yeas:

Mr. Speaker, Adams (C), Bedsole, Bowling, Buskey, Carothers, Carter, Cheatwood, Cosby, Crow, Daniels, Gafford, Grimsley, Grouby, Hall, Hammett, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, McMillan, Minus, Moore, Naramore, Owens, Parker, Roberts, Sasser, Shoemaker, Starkey, Trammell, Venable, Waggoner, Warren, Whatley and Williams.

—38

Nays:

Reps.: Adams (H), Albright, Amari, Barton, Bennett, Blake, Brakefield, Cabaniss, Cobb, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (Roy), Langford, Lewis, McKee, Mitchell, Payne, Penry, Rains, Smith (C), Smith (J), Stewart, Turnham, Willis, Wyatt and Zoghby.

—38

BILLS ON THIRD READING RESUMED

And the bill:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Owens, Parker, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—60

Nay: Rep. Payne.

—1

And the bill:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

Which was postponed on the seventh legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Johnson (R. G), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Owens, Parker, Payne, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Waggoner, Warren, Whatley, Willis and Wyatt.

—65

And the bill:

H. 284. To provide further for political contributions by business corporations or any agent of officer acting in their behalf.

Which was postponed on the seventh legislative day, was taken up.

H. 284 POSTPONED

On motion of Rep. Gafford, the bill, H. 284, was postponed to the fourteenth legislative day.

And the bill:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Was taken up.

H. 138 POSTPONED

On motion of Rep. Gafford, the bill, H. 138, was postponed to the fourteenth legislative day.

RECESS

On motion of Rep. Roberts, the House recessed for one and one-half hours.

Yeas 39; Nays 23.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bowling, Carothers, Carter, Cheatwood, Clark, Cosby, Daniels, Dial, Edwards, Gafford, Grimsley, Grouby, Hall, Harper (T), Horn, Howard, Johnson (Roy), Kelley, Kennedy, Letson, Minus, Moore, Naramore, Patton, Rains, Reed, Roberts, Sasser, Shoemaker, Starkey, Trammell, Turner, Venable, Waggoner, Warren and Whatley.

—39

Nays:

Reps.: Amari, Barton, Bennett, Cabaniss, Cobb, Crow, Dixon, Goodwin, Greer, Gregg, Holley, Johnson (R. G.), Laird, Langford, Lewis, Parker, Payne, Penry, Smith (M), Stewart, Ward, Willis and Wyatt.

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HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 86. To amend Sections 11-46-92, 11-46-96, 11-46-97, 11-46-107, 11-46-116, 11-46-117, and 11-46-126, Code of Alabama, 1975, as amended so as to change and set new dates for municipal elections conducted under the provisions of Article 3, Chapter 46 of Title 11, Code of Alabama, 1975; to effect certain date changes to meet the requirements and procedures necessitated or made desirable by the new election dates.

Also:

S. 87. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-36, 11-46-45, 11-46-46 and 11-46-55, Code of Alabama, 1975, as amended, so as to change and set new dates for municipal elections conducted under the provisions of Article 2, Chapter 46 of Title 11, Code of Alabama, 1975; to change requirements for notice of such elections; and to effect certain date changes to meet the requirements and procedures necessitated by the new election dates; and to validate and ratify the salary of mayors and councilmen prescribed prior to February 12, 1980.

Also:

S. J. R. 57. RESOLUTION CONGRATULATING COACH EDDIE STANKY ON HIS SUCCESSFUL OPERATION.

Also:

S. J. R. 58. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO APPLY REVENUES DERIVED FROM THE WINDFALL PROFITS TAX TO THE REPAIR AND REVITALIZATION OF THE NATIONAL DEFENSE HIGHWAY SYSTEM.

Also:

S. J. R. 59. CITING CAPTAIN W. O. NICHOLS FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 60. HONORING CAPTAIN ROBERT W. MOORE UPON HIS RETIREMENT FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. HADLEY E. SHURETT OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 63. REQUESTING EASTERN AIRLINES TO RECONSIDER ITS DECISION TO DISCONTINUE SERVICE IN MONTGOMERY, AND URGING ASSISTANCE OF THE ALABAMA CONGRESSIONAL DELEGATION IN RETAINING SAID SERVICE.

Also:

S. J. R. 67. COMMENDING THE ALBERTVILLE HIGH SCHOOL BAND FOR FIRST PLACE 1980 HONORS IN NEW ORLEANS, LOUISIANA.

Also:

S. J. R. 68. COMMENDING MR. HOYT WEBB FOR MERITORIOUS SERVICE WITH THE AUBURN UNIVERSITY EXTENSION SERVICE.

Also:

S. J. R. 80. COMMENDING THE PICKENS COUNTY VOLUNTEER FIRE DEPARTMENTS.

Also:

S. J. R. 83. CONGRATULATING THE BOAZ HIGH SCHOOL PIRATES ON THEIR OUTSTANDING 1979 FOOTBALL SEASON.

Also:

S. J. R. 84. MOURNING THE DEATH OF ANDALUSIA CITY COUNCILMAN, L. FRED PRICE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF CONFERENCE COMMITTEE ON THE SUBSTITUTE FOR H. B. 540

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Substitute for H. B. 540, beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following Substitute for H. B. 540:

SENATOR FINIS ST. JOHN,
SENATOR J. RICHMOND PEARSON,
SENATOR ALBERT McDONALD,
REP. RICHARD S. MANLEY,
REP. WALTER OWENS,
REP. LEIGH PEGUES.

A BILL
TO BE ENTITLED
AN ACT

To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. Provided there is no monetary loss in the liquidation of securities held by the state insurance fund on short term securities based on their purchase price, and no monetary loss on bonds sold based on their book value as of March 10, 1980, there is hereby transferred from the state insurance fund, as provided for in Chapter 15 of Title 41 of the Code of Alabama 1975, the sum to be determined by the Governor of up to \$25,000,000 to the credit of the state general fund and such sum is hereby appropriated and shall be used only for medicaid purposes. Such amounts as transferred to the state general fund as provided herein, or any part thereof, may be transferred back from the state general fund to the state insurance fund, with interest at 8 percent per annum, whenever the state finance director, with the approval of the Governor, determines that there are sufficient funds in the state general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE

Rep. Wyatt offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 540, said report being set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TABLED

On motion of Rep. Owens, the substitute motion offered by Rep. Adams (C), that the House non-concur in the Report of the Committee on Conference on the bill, H. 540, and request a new Committee on Conference be appointed, was tabled.

Yeas 68; Nays 14.

Yeas:

Mr. Speaker, Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Hilliard, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy),

Kennedy, Laird, Letson, Lewis, Manley, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps.: Adams (C), Barton, Carothers, Carter, Dial, Gafford, Kelley, McMillan, Minus, Riddick, Roberts, Sandusky, Shoemaker and Ward.

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REPORT OF COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Rep. Owens that the House concur in and adopt the Report of the Committee on Conference on the disagreement on the Senate amendment to the bill, H. 540, and the motion was adopted.

Yeas 85; Nays 8.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

Nays:

Reps.: Barton, Carothers, Kelley, Manley, Riddick, Roberts, Sandusky and Shoemaker.

—8

And the bill:

H. 540. To provide further for the funds to pay the cost-of-living increase for certain education personnel as authorized under Act No. 79-540, adopted at the 1979 Regular Session and for state employees and officials authorized under Act No. 79-724, adopted at the 1979 Regular Session, and for other emergency and crisis uses regarding Medicaid funding, and to appropriate the estimated ending balance in the Alabama Special Educational Trust Fund provided for in Section 1 of Act No. 79-540, adopted at the 1979 Regular Session; and to create the Medicaid Emergency Council and prescribe its duties.

As thus amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 85; Nays 7.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

Nays:

Reps.: Barton, Carothers, Kelley, Manley, Riddick, Roberts and Sandusky.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 540. To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

And said Bill, H. B. 540, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 540. To transfer funds subject to certain restrictions from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:45 P.M. on March 13, 1980.

H. J. R. 106

H. 383

H. 165

H. 191

H. 513

H. 514

H. 561

H. 567

H. 602

H. J. R. 87

H. J. R. 89

H. J. R. 92

H. J. R. 98

H. J. R. 102

Delivered to the Governor at 4:50 P.M. on March 13, 1980.

H. 154

H. J. R. 109

Delivered to the Governor at 9:40 P.M. on March 13, 1980.

H. 540

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Owens and pursuant to the resolution, H. R. 107, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 18, 1980.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 18, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Fred Lowery, Turnerville Baptist Church, Turnerville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Also:

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Also:

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

McDOWELL LEE,
Secretary.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives, to Honorable William Clark, District 98, Mobile County.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 118. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when adjourn today, Tuesday, March 18, 1980, we adjourn to meet again on Thursday, March 20, 1980, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 118, was adopted.

BILLS ON SECOND READING

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the country or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a

privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collection to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

H. 49. To require any public water works in a Class 1 municipality in the state to pay 6 1/2% interest per annum on all customer security deposits required for services.

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 51. (With Amendment): Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session, (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

H. 70. (With Amendment): Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 566. To propose an amendment to the Constitution of Alabama to authorize the governing body of the City of Montgomery to raise the salaries of its members one time only during their current terms of office.

The above bill was read a second time at length as required by the Constitution.

Rep. Wyatt, Chariman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

RESOLUTION

The following resolution which was reported out of the Standing Committee on Rules and received its second reading on the thirteenth legislative day, was taken up.

H. J. R. 43. REQUESTING THE CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U. S. CONSTITUTION.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harrison to indefinitely postpone consideration of the resolution, H. J. R. 43, was lost.

Yeas 20; Nays 54.

Yeas:

Reps.: Barton, Bedsole, Bennett, Cheatwood, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (Roy), Langford, Nevett, Olive, Parker, Rains, Reed, Smith (J), Smith (M) and Stout.

—20

Nays:

Mr. Speaker, Adams (C), Albright, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Clark (G), Cosby, Daniels, Dixon, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Holley, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—54

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 590. To declare null and void any provision in an insurance contract which denies or reduces insurance benefits due to the eligibility of the insured to receive assistance under the medicaid program.

Also:

H. 596. To provide that all medicaid eligible persons shall be required to pay a \$2.00 co-payment for medical services provided by a physician or other medical practitioner under the medicaid program.

Also:

H. 601. To revoke or deny medicaid eligibility for those individuals who have abused, defrauded, or in any way deliberately misused the benefits of the program.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. J. R. 43 RESUMED

And the resolution, H. J. R. 43, was lost, lacking a three-fifths vote of all those elected to the House.

Yeas 60; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Albright, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—60

Nays:

Reps.: Barton, Bedsole, Bennett, Buskey, Campbell, Cheatwood, Harper (T), Harrison, Hilliard, Holmes, Howard, Johnson (Roy), Langford, Lewis, Nevett, Olive, Parker, Rains, Seibels, Smith (J), Smith (M), Stewart and Stout.

—23

RESOLUTION

The following resolution was introduced:

By Reps. Holley and Naramore:

H. J. R. 119. REQUESTING THE ALABAMA BOARD OF PARDONS AND PAROLES TO EITHER GRANT IMMEDIATE PAROLE, OR PARDON, TO MRS. MELBA TILL ALLEN.

WHEREAS, as a result of her conviction on criminal charges, former State Treasurer Melba Till Allen soon is to begin serving a prison sentence; and

WHEREAS, though Mrs. Allen has yet to begin said sentence, she already has suffered severe punishment, unduly and unfairly in the opinion of thousands of Alabamians, having received statewide and national notoriety extremely disproportionate to that in cases involving other officials similarly charged; and

WHEREAS, it should be considered further that any wrongdoing on the part of Mrs. Allen resulted in no monetary loss whatsoever to anyone; it is evident to many, also, that Melba Till Allen was singled out for blame, charged with offenses that could not have been committed without involvement by others, most notably various Alabama banking officials who have since faded into blameless obscurity; and

WHEREAS, this body is of the belief that the extreme mental anguish and financial ruin, which Mrs. Allen has to date endured in great measure, should be considered as sufficient punishment for any crimes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request that the Alabama Board of Pardons and Paroles, in consideration of the above facts, grant immediate parole or pardon to Mrs. Melba Till Allen within authority of the Board under Title 15, Chapter 22, Code of Alabama 1975, which provides that the power to grant pardons and paroles is vested absolutely in said board which members need only to give 30 days' written notice to the judge and district attorney who tried the subject's case that they are considering such person for pardon or parole.

BE IT FURTHER RESOLVED, That the members of the Alabama Board of Pardons and Paroles be advised, by copy of this resolution, of this request of the legislature regarding the pardon or parole of Mrs. Allen.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holley offered the motion to suspend the rules and adopt the resolution, H. J. R. 119.

DIVISION OF THE QUESTION

Rep. Barton called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 119, and the motion was lost.

The resolution, H. J. R. 119, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1979.

by a majority of the whole number elected to the Senate, said vote being Yeas 25; Nays 0.

And said Bill, H. B. 217, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 111. COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

Also:

H. J. R. 113. CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

Also:

H. J. R. 115. COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

Also:

H. J. R. 116. MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

Also:

H. J. R. 112. A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT HOUSE OF REPRESENTATIVES BILL 1918, A SERVICE PENSION FOR CERTAIN SURVIVING SPOUSES AND DEPENDENT CHILDREN OF VETERANS OF WORLD WAR I.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Gafford:

H. 735. To create the continuing Legislative Committee on Oversight and to provide for its membership composition; to provide for duties, powers and functions; to provide for the authority to review and evaluate the sufficiency of the agencies of state government, hold public hearings and receive testimony from the public and from all interested parties; to provide for reporting and making recommendations to the legislature in the form of bills or otherwise; to provide that if the committee recommends that an agency be terminated and introduces a bill to such effect, and the legislature does not act in a positive or a negative manner on the bill either to terminate or continue the agency, the agency shall be automatically terminated on the last day of the state fiscal year following the date of sine die of that regular legislative session; to provide for assistance from the examiners of public accounts and the legislative fiscal office; to provide for compensation, per diem and expenses to be paid from legislative funds; and to provide for power to compel the attendance of witnesses, issue subpoenas and subpoenas duces tecum and to hold anyone who fails to obey a subpoena in contempt.

State Administration.

By Rep. Waggoner:

H. 736. To amend Section 16-13-99, Code of Alabama to 1975, which Section relates to place and method of payment of warrants, by eliminating therefrom the schedule of maximum fees to be paid a Paying Agent for the services performed in acting as Paying Agent of a board of education and as reimbursement for expenses incurred in remitting payments of warrants and/or coupons therefrom and substituting therefor a provision that a board of education shall pay such reasonable fees for such services, and as such reimbursement as may be negotiated and agreed upon by the board of education and its Paying Agent.

Banking.

By Rep. Cheatwood:

H. 737. To authorize the Alabama Department of Labor to promulgate and enforce rules and regulations promoting the welfare and health of certain employees of railroads.

Business and Labor.

By Rep. McCorquodale (With Notice and Proof):

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Naramore, Kelley, Carter, Roberts and Brakefield:

H. 739. To amend Section 13-6-157 of the Code of Alabama 1975 which regulates sales of pistols in this state so as to provide further for such regulation.

State Administration.

By Reps. Mitchell, McKee and Cosby:

H. 740. To amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131 of the Code of Alabama 1975, which relate to the Alabama Board of Funeral Service and provide for the licensing of funeral directors, embalmers and funeral establishments so as to increase various license fees; and to further provide for the licensing of apprentices by lowering the age restriction and requiring that the period of apprenticeship be performed in Alabama.

State Administration.

By Rep. Bennett:

H. 741. To amend Sections 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

Judiciary.

By Rep. Ray (With Notice and Proof):

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 742, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 743. To amend Section 22-27-3 of the Code of Alabama, 1975 relating to governmental authority as to methods of waste collections and disposal so as to provide further for such disposal.

Local Government.

By Rep. Bowling (With Notice and Proof):

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 744, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling, Cosby and Whatley:

H. 745. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic beverages in miniature containers for distribution to retailers; to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

State Administration.

By Rep. McMillan:

H. 746. To amend Section 9-13-11 of the Code of Alabama 1975, relating to forest fire protection so as to provide for the requirement of obtaining burning permits before setting a controlled fire; to provide for revoking such permits; and to provide further for criminal penalties for violations.

Natural Resources.

By Reps. Biddle, Waggoner, Payne, Lewis, Cabaniss and Gafford:

H. 747. To prohibit any public water supply system from charging customers in one municipality at a higher rate than customers in any other municipality within the county; and to prescribe penalties for violations.

State Administration.

By Rep. Blake (With Notice and Proof):

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan:

H. 750. To provide for exemption of certain school days missed due to natural disasters.

Education.

By Rep. Adams (H) (With Notice and Proof):

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dixon:

H. 752. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

Health.

By Rep. Turner (With Notice and Proof):

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 753, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues (With Notice and Proof):

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 754, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Howard (With Notice and Proof):

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Howard (With Notice and Proof):

H. 756. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 756, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced:

By Reps. Brakefield, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. R. 120. HONORING MRS. RUTH ROMINE TEAFORD, NAMED "POST-HERALD FAVORITE TEACHER FOR 1980."

WHEREAS, The Alabama House of Representatives is pleased to concur in the Birmingham Post-Herald's selection of Mrs. Ruth Romine Teaford as Favorite Teacher for 1980; and

WHEREAS, in education for some 13 years, Mrs. Teaford is an English teacher at Townley Junior High School in the Walker County School System where she has earned the admiration, love and respect of her fellow teachers, students and parents as well; and

WHEREAS, in an atmosphere of discipline combined with friendship, Mrs. Teaford has made the effort throughout her career to give individual attention, on a daily basis, to each of her many students; and

WHEREAS, as a result of her unique methods and success with her students, Mrs. Teaford has been asked to conduct creative writing seminars

at the University of Alabama in Tuscaloosa and she also works with the other teachers in the Walker County English Department; she further has a regular column, "Homefolk," in the Jasper Daily Mountain Eagle, thereby serving as an example for her students in her stress of creativity and basic English skills; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we most highly commend and congratulate Mrs. Ruth Romine Teaford as Post-Herald Favorite Teacher for 1980.

BE IT FURTHER RESOLVED, That Mrs. Teaford receive a copy of this resolution in token of appreciation and in praise, with copies also provided for the Birmingham Post-Herald, the Birmingham News and the Jasper Daily Mountain Eagle.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. R. 120, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING

And the bill:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Which was postponed on the thirteenth legislative day, was taken up.

S. 299 POSTPONED

On motion of Rep. Roberts, the bill, S. 299, was post-poned to the fifteenth legislative day.

And the bill:

H. 394. Relating the Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Bennett, Blake, Buskey, Campbell, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Drinkard, Edwards,

Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Hines, Kelley, Langford, McMillan, Manley, Naramore, Olive, Rains, Ray, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Kelley, Langford, McMillan, Manley, Naramore, Olive, Pegues, Penry, Rains, Ray, Sasser, Seibels, Smith (C), Smith (J), Starkey, Turner, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett,

Harper (O), Hines, Kelley, Laird, Langford, McMillan, Manley, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Whatley, Willis and Wyatt.

—60

And the bill:

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Parker, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—64

And the bill:

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Holley, Johnson (R. G.), Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Parker, Payne, Rains, Ray, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—55

And the bill:

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Johnson (R. G.), Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Venable, Warren, Whatley, Willis and Wyatt.

—61

And the bill:

H. 67. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for a classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Was taken up.

S. 4 SUBSTITUTED FOR H. 67

On motion of Rep. Drinkard, the bill, S. 4, was substituted for the bill, H. 67.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—74

And the bill:

S. 4. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the

keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Was taken up.

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, S. 4:

Amend S. B. 4, page 5, line 11 by striking the words and figures "fifteen dollars (\$15.00)" and inserting in lieu thereof the following:

thirty dollars (\$30.00)

Also on page 6, lines 8 and 9, amend by striking the words and figures "fifteen dollars (15.00) and inserting in lieu thereof the following:

thirty dollars (\$30.00)

Also, on page 7, line 8, by striking the words and figures "fifteen dollars (\$15.00)" and inserting in lieu thereof the following:

thirty dollars (\$30.00)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 4.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Harper (O), Harper (T), Harrison, Hilliard, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Mitchell, Moore, Naramore, Payne, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—64

Nays: Reps.: Gilmer, Hall, Manley and Smith (C).

—4

And the bill, S. 4 as thus amended, was read a third time at length and passed.

Yeas 74; Nays 1.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—74

Nays: Rep. Holley

—1

H. 67 INDEFINITELY POSTPONED

On motion of Rep. Drinkard, the bill, H. 67, was indefinitely postponed.

And the bill:

H. 287. To further amend Section 40-23-4, Code of Alabama 1975 as amended, to provide for the exemption of the gross proceeds from certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, to remove the exemption, except for persons 65 years of age or older, for the gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170, Code of Alabama 1975 as amended, which are otherwise taxed, and to further amend Section 40-23-35 to provide for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975.

Which was postponed on the thirteenth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 287 as amended:

A BILL TO BE ENTITLED AN ACT

To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals over the age of 65, such products used for agricultural purposes and the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; and to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-3, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-3. Exclusion of certain municipal privilege license taxes and certain state and federal excise taxes.

"Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of sales tax levied by this state, under the provisions of this division.

"State excise taxes imposed in Sections 40-17-2, 40-17-31 and 40-17-171 of the Code of Alabama 1975, as amended from time to time and federal excise taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the sales tax levied by this state under the provisions of this division."

Section 2. Section 40-23-4, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-4. Exemptions.

"There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, which are otherwise taxed.

"(1) The gross proceeds of the sales of motor fuel, gasoline and lubricating oil as defined in sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, when such sales are to persons 65 years of age or older with a taxable income, for state income tax purposes of less than \$10,000 per annum; provided however, this exemption shall only apply to sales where such products are for the use in such person's personal automobile, pick-up truck, light van or recreational vehicle for other than business purposes. Such persons may file for such exemption on their state income tax returns. The Alabama Department of Revenue shall have the power and authority to prescribe forms, rules and procedures to regulate the exemptions provided herein.

"(2) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the

production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

“(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

“(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(9) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

“(11) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

"(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

"(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in Section 1-1-3; provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama.

"Any persons claiming exemption hereunder shall file with the Commissioner of Revenue an application therefor in the form prescribed by the Commissioner of Revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

"Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

"(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(21) The gross proceeds of the sale, or sales, or wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of

such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

"(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

"The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term "herbicides," as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and dessicant herbicides.

"(27) The Alabama Chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words" commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as "chicken litter" by poultry producers and poultry processors.

"(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

"(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

a. The name and claim number as shown on a "Medicare" card issued by the United States Social Security Administration.

b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaging in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for

him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquefied petroleum gas, motor fuel, gasoline and lubricating oils sold to be used for agricultural purposes.

"(35) The gross proceeds from the sale of ethyl alcohol sold to be used in internal combustion engines.

"(36) The portion of the gross proceeds from the sale of gasohol sold to be used in internal combustion engines, which is attributable to the portion of its volume made up of ethyl alcohol."

Section 3. Section 40-23-35, Code of Alabama 1975, as amended, is further amended as follows:

"Disposition of revenues from tax.

"Such amount of money as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of said Department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sums as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and

distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the Bureau of the Census; and one half of said proceeds shall be divided or distributed equally among the 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commission of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00 then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Pensions and Security for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Pensions and Security trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

"The amount of the proceeds of the tax collected on retail sales of motor fuel as defined in Section 40-17-1, Code of Alabama, 1975 when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on retail sales of gasoline and lubricating oil as

defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975 shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama, 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this chapter; provided further, that the legislature may by general or local laws prescribe other distribution within counties to local governments. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and, the distribution to the counties and the distribution of the tax collected on motor fuel, gasoline and lubricating oil as herein provided shall be paid into the Alabama special educational trust fund. In this division, "general welfare purposes" means:

(1) The administration of the public assistance as set out in Sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons."

Section 4. It is the intent of the legislature that the proceeds of the tax collected on retail sales of motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(a) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(b) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues; and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(c) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be used for the purchase of equipment. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 5. Within the meaning of this Act the following words and phrases shall have the following meaning:

(a) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(b) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hammett, Harper (T), Hines, Holley, Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Venable, Waggoner, Ward, Whatley and Willis.

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Nays:

Reps.: Goodwin, Hall, Harrison, Johnson (Roy), Mitchell, Naramore and Wyatt.

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AMENDMENT OFFERED

Rep. Manley offered the following amendment #1 to the bill, H. 287 as amended:

In the title of the bill on page 2, line 5, strike the word and after the word "purposes" and insert in lieu thereof the following punctuation: ,

In the title of the bill on page 2, line 6, after the word "gasohol" insert the following:

,the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft

Further amend said bill on page 11, line 6, by deleting the quotation mark at the end of the sentence and after line 6 insert the following:

"(37) The gross proceeds from the sale of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hines, Holley, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Naramore, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—63

Nays: Reps.: Albright and Wyatt.

—2

AMENDMENT OFFERED

Rep. Manley offered the following amendment #2 to the bill, H. 287 as amended:

AMENDMENT TO THE SUBSTITUTE FOR HOUSE BILL 287

In the title on page 2, line 10 delete the word "and"; on line 14 delete the period at the end of the sentence, substitute a semi-colon therefor and after the semi-colon and the following:

to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

On page 16, renumber sections 6, 7 and 8 so that they become sections 7, 8 and 9 respectively and insert a new section 6 on page 16, line 24 to read as follows:

Section 6. It is the further intent of the legislature that the sales tax levied on motor fuel and gasoline pursuant to Section 40-23-2 Code of Alabama, 1975, be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps. The Departments of Revenue is hereby authorized and directed to promulgate rules, regulations and procedures to accomplish such intent.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grouby, Hall, Hammett, Harper (T), Harrison, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stout, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—61

Nays: Reps.: Albright, Boles and Wyatt.

—3

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy), to indefinitely postpone the bill, H. 287 as amended, was lost.

Yeas 41; Nays 53.

Yeas:

Reps.: Albright, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cooley, Crow, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Lewis, Mitchell, Naramore, Olive, Parker, Payne, Rains, Riddick, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham and Wyatt.

—41

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Greer, Grouby, Hammett, Harper (T), Hines, Holley, Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—53

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 287 as amended:

On page 11, delete Section 5 in its entirety and insert in lieu thereof the following:

Section 5. This act shall become effective on the 1st day of August, 1980, and shall remain in full force and effect for a period of 48 months expiring July 31, 1984.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Cosby to the bill, H. 287 as amended, was tabled.

Yeas 55; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Daniels, Dial, Edwards, Ford, Greer, Grimsley, Grouby, Hammett, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Venable, Waggoner, Ward, Whatley and Zoghby.

—55

Nays:

Reps.: Albright, Bedsole, Blake, Buskey, Carter, Cheatwood, Cosby, Crow, Drinkard, Gilmer, Goodwin, Hall, Harper (O), Harper (T), Hilliard, Jackson, Nevett, Parker, Patton, Rains, Shavers, Smith (M) and Turner.

—23

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 111. COMMENDING THE MONTEVALLO HIGH SCHOOL BAND FOR EXCELLENCE.

Also:

H. J. R. 112. "CONGRESSIONAL APPROVAL OF PENSION FOR WORLD WAR I VETERANS".

Also:

H. J. R. 113. CONGRATULATING THE UNIVERSITY OF SOUTH ALABAMA'S GIRLS BASKETBALL TEAM.

Also:

H. J. R. 115. COMMENDING THE CHILTON COUNTY VOLUNTEER FIRE DEPARTMENTS, NUMBER ONE IN RURAL FIRE DEPARTMENT ORGANIZATIONS IN ALABAMA.

Also:

H. J. R. 116. MOURNING THE DEATH OF MRS. REBECCA NARAMORE.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills to-wit:

H. 217. Relating to Calhoun County; to amend Act No. 607, H. 641, 1951 Regular Session (Acts 1951, p. 1043), relating to the office of sheriff, so as to provide further for the allowance for the employment of legal services by the sheriff, and to make this act retroactively effective to June 28, 1979.

And finds same correctly enrolled with Executive Amendment.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 603. Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 287 RESUMED

And the bill:

H. 287. To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals over the age of 65, such products used for agricultural purposes, the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975; to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

As thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 47.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bennett, Biddie, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cosby, Daniels, Dial, Edwards, Greer, Grimsley, Hammett, Harper (T), Hines, Holley, Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stout, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—49

Nays:

Reps: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cooley, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Lewis, McKee, Mitchell, Naramore, Nevett, Olive, Parker, Payne, Rains, Riddick, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Warren and Wyatt.

—47

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McCorquodale:

H. R. 121. HONORING MRS. LILLIAN ANDREWS, JACKSON, ALABAMA, CITIZEN OF THE YEAR.

BILLS ON THIRD READING RESUMED

BILLS POSTPONED

On motion of Rep. Starkey, the bills, H. 285 and H. 286, were postponed to the sixteenth legislative day.

And the bill:

H. 288. To further amend Section 40-23-62, Code of Alabama 1975, as amended, to remove the exemption for the use storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975, as amended, which are otherwise taxed and to further amend Section 40-23-85, Code of Alabama 1975, as amended, to provide for the disposition of the tax collected on the storage use or other consumption of lubricating oil and gasoline.

Which was postponed on the thirteenth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 288:

A BILL
TO BE ENTITLED
AN ACT

The further amend Section 40-23-62, Code of Alabama, 1975, as amended, to remove the exemption for the use, storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended, which are otherwise taxed; to further amend Section 40-23-85, Code of Alabama, 1975, as amended, to provide for the disposition of the tax collected on the storage, use or other consumption of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended; to provide legislative intent that, where applicable, state sales tax and state excise levied by states other than Alabama, on motor fuel, gasoline and lubricating oil and federal excise taxes imposed in Title 25, Section 4081, United States Code, as amended from time to time when such taxes have been paid and included in the sales tax, shall be excluded from the sales price in the computation of the use tax levied by this state on such products; and to provide further legislative intent as to the use of the use tax revenues generated by the removal of the exemption on the storage, use or other consumption of motor fuel, gasoline and lubricating oil.

Be It Enacted by the Legislature of Alabama: —————

Section 1. Section 40-23-62, Code of Alabama, 1975, as amended, is further amended as follows:

"§ 40-23-62. Exemptions. The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this article:

(1) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of article 1 of this chapter.

(2) Property, the storage, use or other consumption of which this state is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this state.

(3) Tangible personal property, not to be used in the performance of a contract, brought into this state by a nonresident thereof for his own storage, use or consumption while temporarily within this state.

(4) lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170, the storage, use or other consumption of which is otherwise taxed.

(5) (4) All fertilizer; provided, that the word "fertilizer" as used in this article shall not be construed to include cottonseed meal when not in combination with other material.

(6) (5) All seeds for planting purposes and baby chicks and poults; provided, that nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products.

(7) (6) Insecticides and fungicides and feed for livestock and poultry, but not including prepared foods for dogs and cats.

(8) (7) The use, storage or consumption of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(9) (8) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(10) (9) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(11) (10) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used:

- a. In manufacturing tangible personal property for sale;
- b. For the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale; or
- c. For the generation of motive power for transportation.

(12) (11) Fuel and supplies for use or consumption aboard ships plying the high seas either in intercoastal trade between ports in the State of Alabama and ports in other states in the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign

countries; provided, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft.

(13) (12) Property stored, used or consumed by the State of Alabama, by the counties within the state or by incorporated municipalities of the State of Alabama.

(14) (13) The use, storage or consumption of materials, equipment and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within the state.

(15) (14) The use, storage or consumption of fuel oil purchased as fuel for kilns used in manufacturing establishments.

(16) (15) Tangible personal property stored, used or consumed by county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

(17) (16) The storage, use or consumption of railroad cars, and vessels, and barges of more than 50 tons burden when purchased from the manufacturers or builders thereof.

(18) (17) The storage, use or consumption of all devices or facilities, and all identifiable components thereof or materials for use therein, used or placed in operation primarily for the control, reduction or elimination of air or water pollution, and the storage, use or consumption of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

(19) (18) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this article, or under any county use tax law.

(20) (19) The storage, use or other consumption in this state of religious magazines and publications. For the purpose of this subdivision the words "religious magazines and publications" shall be construed to mean printed or illustrated lessons, notes and explanations distributed by churches or other religious organizations free of charge to pupils or students in Sunday schools, Bible classes or other educational facilities established and maintained by churches or similar religious organizations in this state.

(21) (20) The storage, use or other consumption of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

(22) (21) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, mineral; or other nutrients and all other feed ingredients including

concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for livestock and poultry, but not including prepared foods for dogs and cats.

(23) (22) The use of seedlings, plants, shoots, and slips which are to be used for planting vegetable gardens or truck farms.

Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the use of plants, seedlings, shoots, slips, nursery stock and floral products except as hereinabove exempted.

(24) (23) Fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation, for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel, shall be exempted from the provisions of this article and from the computation of the amount of the tax levied, assessed or payable under this article.

(25) (24) The storage, use or other consumption of herbicides for agricultural uses by whomsoever sold. The term herbicides as used in this subdivision means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and dessicant herbicides.

(26) (25) The Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the payment of the state use tax levied under this article.

(27) (26) Fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the payment of the state use tax levied under this article, or levied under any county or municipal use tax law.

The words "commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

(28) (27) The storage, use or withdrawal of sawdust, wood shavings, wood chips and other like materials purchased for use as "chicken litter" by poultry producers and poultry processors shall be exempt under this article.

(29) (28) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry are hereby specifically exempted from the payment of the state use tax levied by this article. Such exemption as herein granted shall be in addition to the exemptions now provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions now provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

(30) (29) All medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted from the operation of the state use tax law levied by this article, or by any county or municipal use tax law. The exemptions provided in this subdivision shall not apply to any medicine purchased in any manner other than as is herein provided.

For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

a. The name and claim number as shown on a "Medicare" card issued by the United States social security administration.

b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

For the purposes of this subdivision any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00."

Section 2. Section 40-23-85, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-85. Disposition of funds derived from tax. All taxes, fees, interest or penalties imposed and all amounts of tax herein required to be paid to the state under this article must be paid to the department of revenue at Montgomery, Alabama, with remittance payable to the treasurer of Alabama. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay salaries, the cost of operation and the management of the said department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to section 40-23-61; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. The amount of the proceeds of the tax collected on the use, storage or consumption of motor fuel as defined in Section 40-17-1, Code of Alabama, 1975, when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on the use, storage or consumption of gasoline and lubricating oil as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975 shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama, 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this chapter; provided further, that the legislature may by general or local laws prescribe other distribution within counties to local governments. The balance of the tax collected under and pursuant to said Section 40-23-61 shall remain in the state treasury to the credit of the Alabama special education trust fund and shall be withdrawn as other moneys in fund."

Section 3. It is the intent of the legislature that state sales tax and state excise taxes levied by states other than Alabama, on motor fuel, gasoline and lubricating oil and federal excise taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, when such taxes have been paid and included in the sales price, the same shall be excluded from the sales price in the computation of the use tax levied by Section 40-23-61, Code of Alabama, 1975, insofar as such tax is imposed on motor fuel, gasoline and lubricating oil.

Section 4. It is the further intent of the legislature that the proceeds of the use tax levied by Section 40-23-61, Code of Alabama, 1975 on motor fuel, gasoline and lubricating oil as defined herein shall be used only for those highway purposes as set out for the use of the proceeds of the sales tax levied on such products as provided in Sections 4 and 5 of House Bill 287 which Bill is further identified as Act No. 80-.

Section 5. All laws or parts of laws which are inconsistent or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act is a companion bill to House Bill 287 and shall become effective on the same date as that bill which is further identified as Act No. 80- or upon passage and signature by the Governor or its otherwise becoming a law whichever date shall come later.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—67

Nays:

Reps.: Cheatwood, Howard, Jackson, Johnson (Roy) and Nevett.

—5

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 288 as amended:

In the title of the bill on page 1, line 23 after the word "taxed" insert the following:

and to provide for further exemptions for such products used for the propulsion of aircraft and for motor fuel as defined in Section 40-17-140, Code of Alabama, 1975, when such motor fuel is subject to the Motor Carrier Fuel Tax levied in Section 40-17-141, Code of Alabama, 1975, and upon which the Motor Carrier Fuel Tax has been paid

Further amend said bill on page 7, line 35 after the letters "vided." insert the following:

(30) The storage, use or other consumption of any fuel to be used to propel aircraft and the use, storage or other consumption of lubricating oil to be used in such aircraft.

(31) The storage, use or other consumption of motor fuel as defined in Section 40-17-140, Code of Alabama, 1975, when such motor fuel is subject to the Motor Carrier Fuel Tax levied in Section 40-17-141, Code of Alabama, 1975, and upon which the Motor Carrier Fuel Tax has been paid.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—76

Nay: Rep. Wyatt.

—1

AMENDMENT OFFERED

Rep Jackson offered the following amendment to the bill, H. 288 as amended:

On page 8, lines 33 and 34, strike the underlined material and insert in lieu thereof the following:

The amount of the proceeds of the tax collected on retail sales of lubricating oil and gasoline shall be distributed to the state among the several counties based on the same percentages as provided in Sections 40-17-72 and 40-17-73 of the Code of Alabama 1975. The 55 percent allocated to the 67 counties of the state shall be divided and disbursed among the 67 counties on the basis of the ratio of the population of each such county to the total

population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1960 federal decennial census. The allocation provided for in this section shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Jackson to the bill, H. 288 as amended, was tabled.

Yeas 57; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Minus, Naramore, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—57

Nays:

Reps.: Albright, Bedsole, Biddle, Boles, Buskey, Cheatwood, Clark (W), Cooley, Dixon, Drinkard, Ford, Greer, Hall, Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, Lewis, McKee, Nevett, Olive, Payne, Rains, Riddick, Seibels, Smith (M), Starkey, Trammell, Tucker, Waggoner and Wyatt.

—36

And the bill:

H. B. 288. To further amend Section 40-23-62, Code of Alabama, 1975, as amended, to remove the exemption for the use, storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended, which are otherwise taxed: and to provide for further exemptions for such products used for the propulsion of aircraft and for motor fuel as defined in Section 40-17-140, Code of Alabama, 1975, when such motor fuel is subject to the Motor Carrier Fuel Tax levied in Section 40-17-141, Code of Alabama, 1975, and upon which the Motor Carrier Fuel Tax has been paid to further amend Section 40-23-85, Code of Alabama, 1975, as amended, to provide for the disposition of the tax collected on the storage, use or other consumption of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended; to provide legislative intent that, where applicable, state sales tax and state excise levied by states other than Alabama, on motor fuel, gasoline and lubricating oil and federal excise taxes imposed in Title 25, Section 4081, United States Code, as amended from time to time when such taxes have been paid and included in the sales tax, shall be excluded from the sales price in the computation of the use tax, levied by this state on such products; and to provide further legislative intent as to the use of the use tax revenues generated by the removal of the exemption on the storage, use or other consumption of motor fuel, gasoline and lubricating oil.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

Nays:

Reps.: Boles, Bowling, Brakefield, Carter, Cheatwood, Cooley, Goodwin, Hall, Harrison, Hilliard, Holmes, Horn, Jackson, Johnson (Roy), Naramore, Olive, Payne, Rains, Smith (C), Smith (M), Trammell and Tucker.

—22

And the bill:

H. 289. To amend Section 40-12-4, Code of Alabama 1975 as amended, to provide that county sales and use taxes shall not apply to the gross proceeds of sales and the use, storage or consumption of lubricating oil and gasoline as defined in Section 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Which was postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Hines, Holley, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

Nays:

Reps.: Boles, Brakefield, Carter, Cheatwood, Hall, Hilliard, Holmes, Horn, Johnson (Roy), Lewis, Naramore, Payne and Trammell.

—13

And the bill:

H. 290. To amend Sections 11-51-200 and 11-51-202, Code of Alabama 1975 as amended, to provide that the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30 shall not be subject to sales and use taxes levied by incorporated municipalities within the State of Alabama.

Which was postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nays:

Reps.: Cheatwood, Hall, Hilliard, Holmes, Letson, Payne and Tucker.

—7

And the bill:

H. 291. To amend Section 11-51-180, Code of Alabama 1975 as amended, to provide that the municipal license taxes shall not apply to the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

Which was postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

Nays: Reps.: Cheatwood, Hilliard, Holmes, Payne and Trammell.

—5

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Manley, the rules were suspended in order to take up out of order the bill, H. 648.

And the bill:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-141, relating to the levy and amount of the motor carrier fuel tax; § 40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; § 40-17-145, relating to payment of tax; § 40-17-146, relating to disposition of proceeds of tax; § 40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; § 40-17-149 relating to books and records; § 40-17-151, relating to sales without liability for tax on the part of distributor; and § 40-17-155, relating to penalties.

Was taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 648:

Amend H. 648, on page 4, lines 12 and 13, by deleting the phrase "such payment to said other state, but in no case to exceed".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hines, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—88

Nay: Rep. Holmes.

—1

And the bill, H. 648 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin,

Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hines, Holley, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—87

Nays: Reps.: Albright, Holmes and Johnson (Roy).

—3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Speaker has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or nondriver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 593, said Senate amendment being as follows:

AMENDMENT TO H. 593

Amend H. 593 on page 2, line 6, following the word "system," by inserting the following:

to be provided by the Alabama Criminal Justice Information Center,

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

And the bill, H. 593 as thus amended, was again read at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harrison, Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medical agency and authorization for release of information.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 600, said Senate amendment being as follows:

Amend House Bill 600, Page 1, in the Title, Line 16, after the word "state" by deleting medical and inserting in lieu thereof medicaid.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

As thus amended, was again read at length and passed.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

Nays: Rep. Dial.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 595. To provide that all medicaid eligible persons shall be required to pay the sum of \$1.00 for all prescription drugs received under the medicaid program, except designated exemptions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 595, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Medicaid eligible persons shall pay the maximum allowable co-payment under federal law or administrative regulation for each prescription drug received under the medicaid program, except for designated exemptions.

Section 2. Said maximum allowable co-payment shall be collected by the dispensing pharmacy and credited against the medicaid payment to the pharmacy for the drug.

Section 3. Designated exemptions include prescriptions for family planning drugs and those used in the treatment of persons participating in the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program.

Section 4. The provisions of this act shall not be effective if they are found by a court of competent jurisdiction to contravene federal laws or federal administrative regulations applicable to the Medicaid Program.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

And the bill:

H. 595. To provide that all medicaid eligible persons shall be required to pay the maximum allowable co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

As thus amended, was again read at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Mitchem, Smith, Robertson, Teague, Proctor, Goodwin, Denton, Kirkland, deGraffenried, St. John, Holmes, Keener, White, Little, Higginbotham, McDonald, Martin, Weeks, Gullledge, Miller, Figures, Hall, Britnell, Harrison, Parsons and Taylor:

S. 97. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

Also:

By Mr. St. John:

S. 81. To reopen the Employees' Retirement Systems of Alabama for prior service for certain members who are precluded from obtaining credit for such service for reasons other than nonmembership, providing that as a prerequisite to such credit members must, on October 1, 1980, be active and contributing members of the Employees' Retirement System of Alabama; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; to allow teachers who have been on officially approved leaves of absence and to provide the purchase of credit in the Teachers' Retirement System for such leaves with the teacher paying the employee cost therefor; and providing that this Act shall take effect October 1, 1980.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 97. Ways and Means.

S. 81. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 71. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Robertson and deGraffenried:

S. J. R. 91. ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

By Messrs. Robertson, Parsons and Denton:

S. J. R. 92. ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Mitchell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 91, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Mitchell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 92, the title of which is set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 270. To amend Code of Alabama, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property.

Which was temporarily postponed on the thirteenth legislative day as amended, was taken up.

MOTION TO POSTPONE

Rep. Albright offered the motion to postpone consideration of the bill, H. 270 as amended, to the seventeenth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. Holley offered the substitute to motion to postpone consideration of the bill, H. 270 as amended, to the twenty-eighth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Riddick to table the substitute motion offered by Rep. Holley, was lost.

Yeas 28; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Cabaniss, Carter, Cosby, Dial, Gafford, Gilmer, Harrison, Hilliard, Horn, Jackson, Laird, Lewis, McKee, Manley, Owens, Payne, Riddick, Seibels, Shoemaker, Smith (J), Starkey, Waggoner and Willis

—28

Nays:

Reps.: Albright, Boles, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Greer, Grimsley, Grouby, Hall, Hammett, Holley, Howard, Johnson (R. G.), Johnson (Roy), Langford, Minus, Naramore, Nevett, Parker, Pegues, Penry, Rains, Ray, Sasser, Smith (C), Stewart, Williams and Wyatt.

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SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Holley to postpone consideration of the bill, H. 270 as amended, to the twenty-eighth legislative day, and the substitute motion was adopted.

Yeas 40; Nays 34.

Yeas:

Reps.: Adams (H), Blake, Buskey, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Greer, Grouby, Hall, Hammett, Harper (O), Holley, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, Minus, Naramore, Nevett, Parker, Pegues, Penry, Rains, Ray, Sasser, Shoemaker, Smith (C), Stewart, Venable, Whatley and Willis.

—40

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cobb, Gafford, Gilmer, Grimsley, Harrison, Hilliard, Horn, Jackson, Lewis, McKee, Manley, Olive, Owens, Payne, Riddick, Roberts, Seibels, Smith (J), Starkey, Trammell, Waggoner and Williams.

—34

And the bill:

H. 284. To provide further for political contributions by business corporations of any agent or officer acting in their behalf.

Was taken up.

SUBSTITUTE OFFERED

Rep. Gafford offered the following substitute to the bill, H. 284:

A BILL TO BE ENTITLED AN ACT

To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be legal and permissible for any business corporation incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation, to directly give, pay, expend, or contribute, or promise to give, pay, expend, or contribute, any money or other valuable thing in an amount not to exceed \$500 to any one candidate or political party, or to aid or defeat any question or proposition in any one election in order to aid, promote or prevent the nomination or election of any person, or defeat any question or proposition submitted to the vote of the people, or in order to aid, promote or antagonize the interests of any political party.

Section 2. Provided, that no contributions to any one political candidate from a corporation and any of its agents and officers acting in its behalf, when added together, may exceed a total of \$500.00.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating political contributions; however, those laws or parts of laws which are in direct conflict or inconsistent with the provisions of this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:00 P.M. on March 18, 1980.

H. 590.

H. 596.

H. 601.

Delivered to the Governor at 3:30 P.M. on March 18, 1980.

H. J. R. 111.

H. J. R. 112.

H. J. R. 113.

H. J. R. 115.

H. J. R. 116.

H. 217 (Executive Amendment).

H. 603.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Blake and pursuant to the resolution, H. R. 118, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 20, 1980.

FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 20, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Lamar Brown, Minister, St. James United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

MOTION IN WRITING

Rep. Rains filed the following Motion in Writing:

Having voted on the prevailing side by which H. J. R. 43 was defeated, I now move to reconsider the vote by which said resolution was defeated.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 122. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when we adjourn today, Thursday, March 20, 1980, we adjourn to meet again on Tuesday, March 25, 1980; and when we adjourn on Tuesday, March 25, we adjourn to meet again on Thursday, March 27, 1980.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 122, was adopted.

Also:

By Rep. Manley:

H. R. 123. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA That when we adjourn today, Thursday, March 20, 1980, we adjourn to meet again on Tuesday, March 25, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 123, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 198. (With Substitute): To exempt from taxation alcohol manufactured for use in or used in any internal combustion engine or for use in the operation of any motor vehicle upon the highways of this state; and to further provide that the alcoholic beverage laws of this state shall in no way apply to the manufacture or sale of alcohol for use in any internal combustion engine.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 421. To amend Section 12-19-73, Code of Alabama 1975, which relates to the fees of service of process in circuit and district courts, so as to further provide for said fees.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 545. (With Amendment): To provide that prisoners of war shall be entitled to the issuance of special license plates.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 164. (With Substitute): To temporarily re-open the Employees' Retirement System of Alabama for prior service for certain members in certain counties; providing that as a prerequisite to obtaining such credit, said members must, on October 1, 1980, be an active and contributing member of the Employees' Retirement System of Alabama; and providing that this Act shall take effect October 1, 1980.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 581. To prescribe the authority and powers of Attorney General's Investigators.

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

H. 125. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of pensions and security and the board of corrections.

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 482. (With Substitute): To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination of conviction.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 627. Relating to sentencing and punishment of offenders; allowing a judge to sentence an offender to a term of confinement to run concurrently with a sentence given in other state penal systems.

S. 167. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

H. 686. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

The above bill was read a second time at length as required by the Constitution.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 701. (With Substitute): To amend Title 23, Code of Alabama, 1975, as amended relating to the Federal Aid Highway Finance Authority and to specifically amend the following sections: Section 23-1-300 relating to the purpose and construction of the article; Title 23-1-306 relating to the powers generally of the Federal Aid Highway Finance Authority; 23-1-307 relating to bonds and notes—authorization for issuance; 23-1-313 relating to bonds and notes, disposition of proceeds from sale generally; 23-1-314 relating to bonds and notes, appropriations and pledges of revenue for payment of principal and interest generally, sinking fund; and 23-1-317 relating to authorization of expenditure of Federal Aid directly by State Highway Department; contracts for construction, reconstruction, etc. of highways; performance, etc. of construction, etc. done by authority without award of contract therefore; promulgation and enforcement of rules and regulations; conveyance of property to state; highways constructed deemed part of public highway system.

H. 702. (With Substitute): This bill creates an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department. The purpose of said account is to allow the Highway Department to initiate a Road Machinery and Equipment Management System. This bill allows the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account. It appropriates those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 747. To prohibit any public water supply system from charging customers in one municipality at a higher rate than customers in any other municipality within the county; and to prescribe penalties for violations.

H. 745. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic beverages in miniature containers for distribution to retailers to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

H. 388. To repeal Act 79-808, Regular Session, 1979, which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

H. 152. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

H. 692. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

H. 624. To amend section 14-8-6, Code of Alabama, so as to provide further for the disposition of earnings of prison inmates under the work release program.

H. 628. To rename the board of corrections the department of corrections.

H. 719. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

H. 623. To provide that no school employee or school employee organization shall participate in a strike against a public school employer and to provide penalties therefor.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 149. (With Amendment): To provide that the county commission of the various counties in the state may cover or fill certain abandoned wells on private property.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 517. To amend Section 41-16-1, Code of Alabama 1975, in order to delete from Subsection (a) thereof the requirement that certificates of deposit issued by banks and savings and loan associations be restricted to an amount not in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Amendment): To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 419. (With Amendment): To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

S. 135. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 734. To amend section 16-22-5, Code of Alabama 1975, authorizing local school boards to form groups for the purpose of obtaining group insurance, so as to allow retired employees of local school boards to continue in any group after their retirement.

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 323. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets and fish boxes so as to provide that the location of said baskets and fish boxes shall not be required to be marked with a buoy or float.

H. 711. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

H. 712. To revise the laws pertaining to taking shrimp for bait.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 622. (With Amendments): Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 47. (With Amendment): To amend Section 36-9-17 of the Code of Alabama 1975, so as to further provide for the filling of vacancies in state, county or municipal offices.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 389. Amending Sections 17-4-158 and 17-4-160, Code of Alabama 1975, relating to voter registration, so as to require that certain city clerks be appointed as deputy registrars; to provide for a voter outreach program for identifying qualified citizens who are not registered voters and to register such persons; to establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

Rep. Holley, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 574. (With Amendment): To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices or exclusively by trucks designed specifically for the transportation and mixing of concrete shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 730. (With Amendment): Relating to Washington County; prohibiting the hunting of unantlered deer.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 753. (With Amendment): To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 559. (With Substitute) (With Amendment): Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

The above bill was read a second time at length as required by the Constitution.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

Also:

H. 595. To provide that all medicaid eligible persons shall be required to pay the maximum co-payment under federal law or administrative regulation for all prescription drugs received under the medicaid program except designated exemptions; to provide for collection therefor; and to provide that the provisions of this act shall not be effective if found by the courts to violate federal law or federal administrative regulations.

Also:

H. 600. To provide assignment by Alabama medicaid recipients of all medical support and assistance to the designated state medicaid agency and authorization for release of information.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps.: Holmes, Langford, Dixon, Wyatt, Grouby, McKee, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Letson, Lewis, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby:

H. J. R. 124. PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A.S.U. HORNETS.

WHEREAS, the recent NAIA National Basketball Tournament brought to a close a phenomenal season for the Alabama State University Hornets, coached by James V. Oliver, who was prestigiously named Coach of the Year in both District 27 and Area 5 of NAIA; and

WHEREAS, in regular season play, ASU went for winning streaks of first 16 then 17 straight games without a loss; 32-2 overall, twelve of those big wins were in NAIA District 27 competition to earn that championship for the Hornets; and

WHEREAS, Alabama State was ranked Number One, nationally, for three consecutive weeks and also in the final NAIA College Poll; at their first national tournament, in a field of 32 of the best in NAIA, the Hornets knocked them off, one by one, losing only to Oklahoma's Cameron University, following a spectacular come-from-behind effort that cut an ASU 23-point deficit to only 3, just seconds before they were stopped by the clock; and

WHEREAS, ranked number two among 520 NAIA teams in the country, the highest ranking ever achieved by a District 27 team, the Alabama State University Hornets are: Kevin Loder, who was named to the All-District 27 Team and to the five-man All Tournament Team, and was also tapped as both the District 27 and the Montgomery Tip-off Club's Player of the Year; Carl Fortson, who also was named to the All Tournament Team; Melvin Crayton, All-District 27 Team; and LaVaughn McNary, Clayton Harris, Greg Owes, Kelvin Davis, Jerome Powell, Jerry Allen, Calvin Tullis, Robert Phillips, Lee Williams and James Smith who, each and every one, contributed greatly to their team's performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Alabama State University as Number One in the hearts and minds of all Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Oliver, on behalf of Assistant Coaches William Graham and John Mitchell and Managers Ronnie Allen, Loren Grayer and Gordon McRoberts, with copies also provided for each of the ASU Hornets in appreciation for the fame and honor they have brought to the State of Alabama.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 124, was adopted.

H. J. R. 43 RECONSIDERED

Having previously filed a Motion in Writing and voted on the prevailing side, Rep. Rains, offered the motion to reconsider the vote by which the resolution, H. J. R. 43, was lost, and the motion to reconsider was adopted.

Yeas 58; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Amari, Blake, Bowling, Brakefield, Cabaniss, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Barton, Bedsole, Carothers, Cheatwood, Harper (T), Harrison, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, Letson, Lewis, Olive, Shavers and Stout.

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And the resolution:

H. J. R. 43. REQUESTING THE CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION.

Was taken up.

SUBSTITUTE OFFERED

Rep. Smith (J), offered the following substitute to the resolution, H. J. R. 43: REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO VOTE FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama, 1980 Regular Session, applies to the Alabama Congressional Delegation to vote proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to each member of the Congress from Alabama.

SUBSTITUTE TABLED

On motion of Rep. McKee, the substitute offered by Rep. Smith (J) to the resolution, H. J. R. 43, was tabled.

Yeas 55; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Blake, Brakefield, Cabaniss, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Minus, Moore, Naramore, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Warren, Williams and Willis.

—55

Nays:

Reps.: Barton, Bedsole, Bennett, Buskey, Cheatwood, Cooley, Hammett, Harper (T), Harrison, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Langford, Manley, Olive, Owens, Smith (J), Smith (M), Stout, Tucker, Wyatt and Zoghby.

—25

RESOLUTION ADOPTED

On motion of Rep. McKee, the resolution, H. J. R. 43, was adopted.

Yeas 65; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

Nays:

Reps.: Barton, Buskey, Cheatwood, Harrison, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, Olive, Shavers, Smith (J) and Tucker.

—16

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps.: Turnham, Bennett, Bedsole, Lewis, Daniels, Horn, Hammett and Ward:

H. 757. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Education.

By Reps. Moore and Smith (C) (With Notice and Proof):

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 758, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 759, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Moore and Smith (C) (With Notice and Proof):

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 760, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray and Reed (With Notice and Proof):

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 761, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Letson and Whatley:

H. 762. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally reorganized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Agriculture and Forestry.

By Reps. Manley, Cates, Owens, McMillan, Cosby, Adams (H), Whatley, Willis, Smith (J), Wyatt, Edwards, Williams, Harper (O), Bedsole, Minus, Moore, Penry, Cheatwood, Hall, Warren, Greer, Carothers, Letson, Smith (M), Reed, Carter, Clark (G), Kelley, Harper (T), Turnham, Barton, Mitchell, Rains, Laird, Albright, Grouby, Starkey, Trammell, Hines, Drinkard, Dial, Shoemaker and Ward:

H. 763. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), § 40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act, "so as to provide for the further definition of current use value of class III property and to provide for methods of determining current use value on and after October 1, 1979 through the use of standard value formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

State Administration.

By Rep. Dixon:

H. 764. To amend Section 9-11-237 of the Code of Alabama 1975 relating to game and fish and providing penalties for the sale of any part of a game animal so as to further provide that the section shall not apply to the sale by a licensed hunter of deer hides or antlers taken from a deer lawfully killed by that hunter.

Natural Resources.

By Rep. Kelley:

H. 765. To provide further for the state compensation payable to the judges of the district courts and to appropriate such funds as may be necessary to pay such state salary.

Ways and Means.

By Reps.: Horn and Hilliard:

H. 766. To amend Section 40-18-15, Code of Alabama 1975, which provides for income tax deductions for individuals, so as to increase the allowable deductions for taxes paid on tobacco and alcoholic beverages and increase the allowable deduction for charitable contributions.

Ways and Means.

By Reps.: McMillan, Hines, Penry, Whatley and Turner:

H. 767. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate

purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures of the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

State Administration.

By Rep. Drinkard:

H. 768. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, coadministrator, executor, coexecutor, trustee, or cotrustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been

created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Banking.

By Rep. Waggoner:

H. 769. To raise revenue; to levy a privilege or license tax against certain all-skilled nursing facilities, intermediate care facilities and inpatient hospitals, as defined in Title XIX of the Social Security Act of the United States; to prescribe the rates thereof and exclusions therefrom; to provide for the issuance of licenses; to provide for the method of enforcing payment thereof; to confer certain powers and duties on the state department of revenue; and to provide for the disposition of the proceeds from said tax.

Ways and Means.

By Rep. Waggoner:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

Ways and Means.

By Rep. Hall:

H. 771. To appropriate \$700.00 to the A.A.U. Boxing Tournament from the Special Educational Trust Fund.

Ways and Means.

By Reps.: Boles, Cheatwood, Howard, Horn, Tucker and Trammell (With Notice and Proof):

H. 772. To prohibit the Jefferson County Commission from authorizing any sewage trunk line connections or hook-ons that would enable sewage from any surrounding county to be transported for treatment purposes to any sewage treatment plant in Jefferson County; to prohibit said commission from authorizing the construction of any sewage trunk lines within the county which might be used for transporting sewage from one natural drainage basin to another for treatment purposes and to prescribe penalty for violation.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps.: Boles, Howard, Horn, Lewis, Olive, Waggoner, Moore, Gafford, Trammell, Jackson, Tucker, Harrison, Hilliard, Cheatwood, Amari, Bennett and Payne (With Notice and Proof):

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 773, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Boles and Trammell (With Notice and Proof):

H. 774. Relating to Jefferson County; requiring the Jefferson County Board of Education to provide transportation to and from school for any student within its system who is required by federal or state court order to attend any school which is located more than one-half ($\frac{1}{2}$) mile from the student's residence.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles (With Notice and Proof):

H. 775. To provide that county sewer lines and sewage processing plants in Jefferson County shall not be used to serve residents located outside said county.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 775, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (C) and Whatley:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Constitution and Elections.

By Reps. Gregg, Riddick, Coburn, Hall, Greer, Albright, Smith (J), Letson and Starkey:

H. 777. To amend sections 40-13-1, 40-13-2 and 40-13-5 of the Code of Alabama 1975 relating to the coal severance tax so as to define severance fee; to increase the severance fee; and to provide for the distribution and appropriation of such funds; and to repeal section 40-13-6 relating to the refunds of severance tax proceeds to coal producers.

Ways and Means.

By Reps. Gregg, Riddick, Coburn, Hall, Greer, Albright, Smith (J), Letson and Starkey:

H. 778. To amend Sections 40-20-2 and 40-20-8 of the Code of Alabama 1975, as amended, so as to increase the rate of fee on oil or gas or condensate severance and to provide further for distribution of the proceeds of the additional revenue generated by such increase.

Ways and Means.

By Rep. McKee:

H. 779. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel; provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Ways and Means.

By Reps. Gregg, Hall, Albright, Smith (M), Smith (J) and Greer:

H. 780. To amend Section 8-1-81 of the Code of Alabama 1975, which relates to the sale of pledges by pawnbrokers, so as to provide that such sales may be by either public auction or private sale.

Public Welfare.

By Reps. Warren, Cosby, Langford and Carothers:

H. 781. To provide for uniform spring holidays for all county and city school systems in Alabama.

Education.

By Rep. Venable:

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

State Administration.

By Rep. Riddick:

H. 783. To amend Section 22-51-8 of the Code of Alabama 1975, relating to the board of directors of public corporations to plan and operate regional mental health programs and facilities, so as to provide that where the formation of the board was authorized by only two governing bodies, each of the said governing bodies shall be entitled to appoint at least five members of the said board, or such other number as may be provided by the certificate of incorporation or any amendment thereto.

Local Government.

By Rep. Manley:

H. 784. To amend Section 25-4-72, Section 25-4-77 and Section 25-4-78 relating to the Alabama Unemployment Compensation Act by increasing the maximum weekly benefit amount from \$90.00 to \$100.00 and the minimum weekly amount from \$15.00 to \$25.00, effective July 6, 1980, and the maximum to \$105.00, effective July 5, 1981, by use of a table; provide for a one week waiting period if the separation was for reasons other than "no work available"; repeals the provision that limits disqualification to the "most recent bona fide employment"; changes the penalty for disqualification involving a voluntary quit or a discharge for misconduct after warning by providing a disqualification for the duration of the unemployment and by cancelling 90% of the benefits; removes most of the non-charging of benefit wages to the employers' experience rating record; changes the penalty for minor misconduct from 2 to 6 weeks and 6 to 10 weeks; changes the penalty for disciplinary suspension from "not to exceed 4 weeks" to "not to exceed 13 weeks"; redefines suitable work and changes the penalty to a disqualification until the claimant has reentered employment and earned 10 times his weekly benefit amount; provides that the employer must withhold from a back pay award the amount of unemployment benefits and return this to the state; provides for deducting 1/2 of primary Social Security benefits.

Judiciary.

By Rep. Blake (With Notice and Proof):

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 785, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 786. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 13-6-155, Code of Alabama, 1975, as last amended, shall be Ten Dollars (\$10.00), nine dollars of which shall be earmarked for the "betterment of county law enforcement", available upon requisition of the sheriff for such purposes.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 786, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Rep. Letson:

H. J. R. 125. NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE "R.M. BERLIN HUTTO ROAD."

WHEREAS, MR. R. M. Berlin Hutto of Lawrence County, Alabama, was a prominent member of his community who devoted much of his time and efforts to programs of benefit to his beloved county and fellow citizens; and

WHEREAS, a member of Boilermakers Local 97, the Terry Club and other civic organizations as well, Mr. Hutto ever exhibited concern for others through involvement in local affairs, including support for the construction of a road that was much needed when flooding occurred periodically, stranding many of the area's citizens; and

WHEREAS, through personal involvement, and by obtaining signatures on numerous petitions, Mr. Hutto played an instrumental role in the realization of Lawrence County Road Number 27; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Lawrence County Road Number 27, beginning at Lawrence County Road Number 29 to the point of intersection of Alabama Highway 101, the "R. M. Berlin Hutto Road."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said portion as the "R. M. Berlin Hutto Road."

RESOLVED FURTHER, That a copy of this resolution be presented to the family of Mr. Hutto as a memento of this honorary designation in his memory.

On motion of Rep. Letson, the rules were suspended and the resolution, H. J. R. 125, was adopted.

Also:

By Rep. Riddick:

H. J. R. 126. COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the prestigious selection of Dr. Shelby Counce, by a National Panel of Editors and Educators, as one of the "One Hundred Top School Executives of North America"; and

WHEREAS, Dr. Counce, who currently serves as superintendent of the Huntsville, Alabama, City Schools, a position he has held since May 1977, is a native of Tennessee, a graduate of Iuka, Mississippi High School and Florence State University, with graduate degrees from the University of Mississippi and Memphis State University; and

WHEREAS, his professional career has encompassed all areas as teacher, administrator and supervisor, in Mississippi and Tennessee, as well as in our own Alabama systems; and

WHEREAS, Dr. Counce, as chairman of the Latin American Committee for the Southern Association of Colleges and Schools, has travelled extensively in Mexico, Latin America and Central America, and, later, as president of the Association for the Advancement of International Education, toured Africa, Asia and other parts of the world; he has further held innumerable honorary professional positions, holds membership in many professional organizations and has authored a number of books, articles and papers in his field; and

WHEREAS, in Huntsville and Madison County, Dr. Shelby Counce has continued to be actively and deeply involved in all areas of community affairs; he serves on the Board of Directors of the Chamber of Commerce, the Industrial Development Association, Mental Health Center, Mental Health Association, the Arts Council, the Boy Scouts and the Huntsville-Madison County Council, for International Visitors; he is a member of the First United Methodist Church, the Huntsville Rotary Club, the General's Advisory Council of Redstone Arsenal and serves as Chairman of the Board of Governors, Newspaper in the Classroom, Huntsville Times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Shelby Counce on his most recent of many signal honors, his selection as one of the "One Hundred Top School Executives of North America"; we further commend him on his outstanding career as an educator and voice our deep appreciation for his involvement in community affairs.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Counce as evidence of our concurring pride, with the City of Huntsville, in his accomplishments as an educator, and in appreciation of his contributions to the youth of Alabama.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 126, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Coburn:

H. R. 127. CONGRATULATING THE RED BAY TIGERETTES, GIRLS 2A STATE BASKETBALL CHAMPIONS.

Also:

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 128. MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARLYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has been shocked and deeply saddened by the tragic death of Deputy Arlyn G. Lockley on March 9, 1980, at the early age of just 26 years; and

WHEREAS, Arlyn Lockley was killed in the line of duty, shot at point blank range, and by his own gun, while answering an automobile accident call; dispatched to the scene to check on possible injuries, his act of mercy was met with savage brutality, and a young and courageous life was ended; and

WHEREAS, a native of Leeds, Alabama, and a graduate of Leeds High School, Deputy Lockley was a veteran law enforcement officer, with an unblemished record, who has attained the rank of sergeant during five years with the Springville Police Department; and

WHEREAS, Deputy Lockley, after joining the St. Clair County Sheriff's Department, soon gained the admiration and respect of his fellow officers, all of whom have been deeply grieved by the loss of their friend and of a courageous young man who had dedicated his entire adult life to safeguarding life and property of the citizens of St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic death of Arlyn G. Lockley, whose life was ended while on duty as an officer of the law.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his beloved wife, Mrs. Sandy Lockley, and to his parents, Mr. and Mrs. J. C. Lockley, Jr., that they and other family members may know that we deeply share the sorrow of their great loss.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 128, was adopted.

Also:

By Reps. Manley and Pegues:

H. J. R. 129. COMMENDING THE DEMOCRAT-REPORTER ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

WHEREAS, The Democrat-Reporter, established October 31, 1879, is presently under the direction of Editor Goodloe Sutton, Sr., the fifth to so hold that position since the newspaper first began publication in Linden, Alabama, and which today is Marengo County's only business to operate continuously for one hundred years; and

WHEREAS, for nearly fifty of those one hundred years, Robert E. Sutton, Sr., served as the editor and publisher of The Democrat-Reporter and is to be credited with much of the progress and positive change adopted through the years to keep abreast of the changing times; preceded by John E. Hecker and Lamar Matkin, Mr. Sutton relinquished his helm to son Robert, Jr., who was followed, in 1967, by his brother and the paper's present editor, Goodloe Sutton, Sr.; and

WHEREAS, formerly The Linden Reporter, The Democrat-Reporter, as renamed by Editor Matkin in 1911, has become a solid institution in Marengo County, witnessing and reporting the news since the days of Reconstruction and by means which have evolved from hand-set type to present-day computerization in the printing and production fields; and

WHEREAS, the winner of every major award presented to weekly newspapers in Alabama, The Democrat-Reporter enters its second century of service to Marengo County and surrounding areas, a strong and viable publication which, with greatly expanded circulation, will continue to fulfill its readers' desires to be kept reliably informed through responsible leadership in the field of journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend The Democrat-Reporter on its first one hundred years of service to Marengo County, offering our most heartfelt best wishes for continued success into its second century of publication.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Editor Emeritus Robert E. Sutton, Sr., and to Goodloe Sutton, Sr., of Linden, Alabama, that they may be aware of our high praise, our deep appreciation and esteem.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 129, was adopted.

Also:

By Rep. Laird:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the County, Area, Regional and South Alabama Football Championships captured by the Randolph County High School Tigers, coached by Ron Watters who was prestigiously named 2A Coach of the Year by the Montgomery Advertiser; and

WHEREAS, honors also went to No. 76, noseguard Alvin Wright, who was named to the All-State First Team by the Birmingham News-Post Herald as well as 2A Player of the Year by the Montgomery Advertiser; No. 87, defensive end Tim Brown, who was named to the All-State First Team by the News; and No. 26, tailback Gary O'Neal, who was Honorable Mention All-State by the News and Post-Herald; other team members are: No. 7 Jay Fincher, No. 11 Mark Edwards, No. 12 Dave Strain, No. 15 Michael Lipscomb, No. 16 Tommy Brown, No. 20 Larry Strain, No. 22 Thomas Knight, No. 23 Keith Langley, No. 24 Jeff Napier, No. 30 Pat Mullican, No. 31 Rudd Cummings, No. 32 Garfield Robertson, No. 33 Richie Traylor, No. 36 Craig McClure, No. 40 Earl Boyd, No. 44 Tim Wyatt, No. 45 Brent Calhoun, No. 50 Roy Brazeal, No. 51 Greg Huey, No. 53 Dennis Waldrop, No. 55 Randy Benefield, No. 60 Wendell Huddleston, No. 61 Mark Wyatt, No. 64 Scott Wortham, No. 65 Charles Bassett, No. 66 Charles Mote, No. 69 Jeff Gregg, No. 70 Craig Payne, No. 72 Jeff Benefield, No. 75 Billy Lake, No. 77 Napoleon Ponder, No. 78 Danny Hester, No. 80 Arris Satterwhite, No. 81 Quinton Cooley, No. 82 John Davis, No. 85 Frederick Waters, No. 88 Scott Fowler, and No. 89 Tommy Bradford; and

WHEREAS, the Tigers, also State 2A Runnerup, had an 11-3 season record, outscoring their opponents 221-58 and giving up only 15 points in four playoff games and just 24 points in six area games; and

WHEREAS, cheering the Tigers to their phenomenally successful season where the band, sponsors, cheerleaders and managers, as well as the thousands of fans who turned out during the season to support their team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate the Randolph County High School Tigers on their brilliant 1979-80 season, 2A Coach of the Year Ron Watters, and assistant coaches Ricky Armstrong and Bobby Ray Green.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the school, to Coach Watters, on behalf of the entire team, and to Alvin Wright, Tim Brown and Gary O'Neal.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 130, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 131. WHEREAS, teachers and support personnel and state employees in Alabama are scheduled to receive only a conditional raise for 1979-80; and

WHEREAS, it now appears that such conditional raise will not be paid in full; and

WHEREAS, at the present time only the first quarter of such raise has been paid, resulting in approximately 1 3/4 percent increase for 79-80 over the year 78-79; and

WHEREAS, it is doubtful that the remainder of the conditional 7 percent raise this year will be paid in full;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives: That the Ways and Means Committee, which is considering the Education Budget, and the General Fund Budget, be urged to give top priority to a cost-of-living raise for teachers, support personnel, and state employees for 1980-81 and that such raise be provided in the Budget reported from Ways and Means with an increase of at least 10 1/2 percent for teachers and \$750 for support personnel;

BE IT FURTHER RESOLVED by the House of Representatives: That the Ways and Means Committee use additional funds of approximately \$30 million in the education budget to give priority to such operating increases as may be necessary as a result of fuel and utility costs resulting from inflation and, only after these priorities are met, should new programs be authorized from any projected revenue increase for the 1980-81 fiscal year.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Johnson (Roy) offered the motion to suspend the rules and adopt the resolution, H. R. 131.

DIVISION OF THE QUESTION

Rep. Owens called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Johnson (Roy) to suspend the rules in order to take up for immediate consideration the resolution, H. R. 131, and the motion was lost.

Yeas 31; Nays 47.

Yeas:

Reps.: Albright, Amari, Bennett, Boles, Bowling, Brakefield, Buskey, Clark (W), Cobb, Cooley, Crow, Goodwin, Greer, Gregg, Grimsley, Hammett, Hilliard, Holley, Horn, Johnson (Roy), Kennedy, Langford, Letson, Rains, Ray, Stout, Trammell, Turner, Venable, Williams and Wyatt.

—31

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Daniels, Dial, Gafford, Gilmer, Grouby, Harper (O), Harvey, Jackson, Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Narmore, Olive, Owens, Payne, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Turnham, Waggoner, Ward, Willis and Zoghby.

—47

The resolution, H. R. 131, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Venable and Grouby:

H. R. 132. CONGRATULATING THE WETUMPKA HIGH SCHOOL INDIANS ON THEIR 2ND STRAIGHT CLASS 3A BASKETBALL CHAMPIONSHIP.

BILLS ON THIRD READING

And the bill:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Which was postponed on the fourteenth legislative day, was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dial, Edwards, Grimsley, Hammett, Harper (T), Horn, Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Payne, Rains, Roberts, Shoemaker, Stewart, Turner, Venable, Williams, Willis and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill;

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Was taken up.

H. 690 POSTPONED

On motion of Rep. Owens, the bill, H. 690, was postponed to the sixteenth legislative day.

And the bill:

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harper (T), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Shoemaker, Stewart, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Kennedy, Laird, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Penry, Rains, Ray, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Waggoner, Williams, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-79 and 1979-80.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Mitchell, Naramore, Olive, Pegues, Penry, Rains, Ray, Shoemaker, Starkey, Stewart, Venable, Waggoner, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Payne, Penry, Rains, Ray, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Williams, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Johnson (R. G.), Kelley, Kennedy, Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Rains, Ray, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the

refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 2.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (T), Hilliard, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Payne, Penry, Rains, Ray, Shoemaker, Smith (C), Trammell, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—49

Nays: Reps. Cabaniss and Lewis.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6 1/2% interest per annum on all customer security deposits required for services.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Blake, Boles, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (T), Hilliard, Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Moore, Olive, Parker, Payne, Ray, Sandusky, Shoemaker, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (T), Jackson, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Moore, Olive, Patton, Ray, Shoemaker, Stewart, Trammell, Waggoner, Ward, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 51. (With Amendment): Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session, (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 51, Section 1, page 1, line 35, between the words "with" and "one" by inserting the following words:

"at least"

Also amend H. B. 51, Section 1, page 1, line 38, by deleting the period after the word "territory" and inserting the following:

"and at least three members of those appointed shall represent the three most populous municipalities in the county. One shall reside in each of the three most populous municipalities in the county."

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (T), Harvey, Jackson, Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Pegues, Rains, Ray, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—58

And the bill, H. 51 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hammett, Harper (T), Harvey, Hilliard, Jackson, Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Ray, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—55

And the bill:

H. 70. (With Amendment): Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. No. 70, Page 6, Section 2, line 32, by inserting a new Section 2 and renumbering the old Section 2, Section 3:

The new Section 2 shall read:

"This Act shall be interpreted to abolish the current Board of Directors and create an entirely new Board."

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Patton, Payne, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—59

And the bill, H. 70 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 566. To propose an amendment to the Constitution of Alabama to authorize the governing body of the City of Montgomery to raise the salaries of its members one time only during their current terms of office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Jackson, Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holmes, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—60

MOTION TO ADJOURN LOST

The motion offered by Rep. Coburn that the House adjourn until 1:00 o'clock p.m., Tuesday, March 25, 1980, was lost.

Yeas 36; Nays 43.

Yeas:

Mr. Speaker, Boles, Brakefield, Buskey, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Hall, Harvey, Hilliard, Jackson, Kelley, Letson, Manley, Minus, Olive, Reed, Riddick, Roberts, Sasser, Shoemaker, Starkey, Stout, Turnham, Warren, Whately and Williams.

—36

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Dial, Dixon, Gafford, Greer, Grouby, Hammett, Holmes, Johnson (R. G.), Kennedy, Langford, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Owens, Parker, Payne, Pegues, Rains, Ray, Sandusky, Seibels, Shavers, Smith (C), Smith (M), Stewart, Venable, Waggoner, Willis, Wyatt and Zoghby.

—43

BILLS ON THIRD READING RESUMED
UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 284. To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

With pending substitute was taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Gafford to the bill, H. 284, on the fourteenth legislative day, and the substitute was adopted.

Yeas 32; Nays 14.

Yeas:

Mr. Speaker, Cabaniss, Carothers, Clark (G), Coburn, Edwards, Gafford, Gilmer, Hammett, Kelley, Lewis, McMillan, Manley, Minus, Moore, Olive, Payne, Pegues, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (M), Stewart, Trammell, Waggoner, Ward, Whatley, Willis and Wyatt.

—32

Nays:

Reps.: Albright, Bennett, Brakefield, Cheatwood, Coburn, Crow, Drinkard, Ford, Greer, Jackson, Letson, Naramore, Starkey and Warren.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 284 as amended:

Amend Substitute for House Bill 284, Page 1, Section 1, Line 35 after the period by adding the following: Any such monies contributed by any corporation or its agents must be funds contributed by officers, stockholders or employees of such corporation. No corporate funds whatsoever shall be used for contributions under this Act.

MOTION TO TABLE LOST

The motion offered by Rep. Gafford to table the amendment offered by Rep. Albright to the bill, H. 284 as amended, was lost.

Yeas 35; Nays 41.

Yeas:

Mr. Speaker, Bedsole, Cabaniss, Carothers, Carter, Clark (G), Cosby, Dial, Edwards, Gafford, Gilmer, Grimsley, Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Minus, Olive, Patton, Payne, Pegues, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (M), Stewart, Waggoner, Ward, Williams, Willis and Zoghyby.

—35

Nays:

Reps.: Adams (H), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Goodwin, Greer, Hall, Hammett, Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Langford, Letson, Mitchell, Naramore, Rains, Ray, Riddick, Smith (C), Stout, Trammell, Turner and Wyatt.

—41

The question was then on the amendment offered by Rep. Albright to the bill, H. 284 as amended.

MOTION TO POSTPONE

Rep. Gafford offered the motion to postpone consideration of the bill, H. 284 as amended and with pending amendment to the sixteenth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Albright to indefinitely postpone the bill, H. 284 as amended and with pending amendment, was lost.

Yeas 40; Nays 48.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Harper (O), Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Parker, Rains, Smith (C), Starkey, Stout, Trammell, Turner and Warren.

—40

Nays:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Cabaniss, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Waggoner, Ward, Williams, Willis, Wyatt and Zoghyby.

—48

H. 284 POSTPONED

The question was then on the motion offered by Rep. Gafford to postpone consideration of the bill, H. 284 as amended and with pending amendment, to the sixteenth legislative day, and the motion was adopted.

Yeas 75; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Rains, Ray, Sasser, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

Nays: Reps.: Harrison, Hilliard, Jackson, Sandusky and Stout.

—5

And the bill:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

Which was postponed on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—75

Nay: Rep. Rains.

—1

And the bill:

H. 283. To provide that a legal licensed lending institution may charge and collect an administration fee.

Was taken up.

H. 283 TEMPORARILY POSTPONED

On motion of Rep. Gafford, the bill, H. 283, was temporarily postponed.

And the bill:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—84

And the bill:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 97:

Amend Section 3 by adding at the end thereof the following:

All benefits that accrue and are payable to any beneficiary hereunder shall be limited to and shall not exceed the amount paid in by the beneficiary and the employer plus his portion of the interest earned and the enhancement of his monies by investing them, less the cost of administration, at no cost to the State of Alabama.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

And the bill, H. 97 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

Nay: Rep. Stout.

—1

S. 220 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 220, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 122. SETTING THE MEETING DAYS.

Also:

H. J. R. 124. PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A. S. U. HORNETS.

Also:

H. J. R. 125. NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE "R. M. BERLIN HUTTO ROAD."

Also:

H. J. R. 126. COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

Also:

H. J. R. 128. MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARLYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

Also:

H. J. R. 129. COMMENDING THE DEMOCRAT-REPORTER ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 68. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' Examinations or comparable standardized test determined by the State Board of Education, and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Was taken up.

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 68:

On page 2, lines 29-35, delete Section 2 in its entirety and renumber the remaining sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 5.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard,

REGULAR SESSION
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Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—68

Nays: Reps.: Nevett, Patton, Rains, Turner and Wyatt.

—5

CO-SPONSORS ADDED

Reps. Bennett, Payne, Amari and Lewis were added as co-sponsors to the bill, H. 68.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 91. ENCOURAGING THE CITIZENS OF TUSCALOOSA, CITY AND COUNTY, TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

S. J. R. 92. ENCOURAGING THE CITIZENS OF ALABAMA TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles have been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO ADJOURN LOST

The motion offered by Rep. Ford that the House adjourn until 1:00 o'clock p.m., Tuesday, March 25, 1980, was lost.

Yeas 29; Nays 39.

Yeas:

Reps.: Bowling, Brakefield, Buskey, Clark (G), Clark (W), Cobb, Coburn, Cooley, Drinkard, Ford, Harvey, Hilliard, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Manley, Parker, Patton, Pegues, Reed, Riddick, Sasser, Trammell, Turner, Whatley, Williams, Willis and Wyatt.

—29

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Carothers, Cheatwood, Crow, Daniels, Dixon, Gregg, Grouby, Hall, Hammett, Harper (T), Hines, Letson, Lewis, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Penry, Rains, Ray, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Venable, Waggoner and Zoghby.

—39

H. 68 RESUMED AMENDMENT OFFERED

Rep. Hilliard offered the following amendment #1 to the bill, H. 68 as amended:

Amend House Bill 68 on page 2, line 24 after the word "education" by striking the period (.) and adding "in his major area of concentration."

AMENDMENT TABLED

On motion of Rep. Dixon, the amendment #1 offered by Rep. Hilliard to the bill, H. 68 as amended, was tabled.

Yeas 56; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cates, Clark (G), Daniels, Dial, Dixon, Edwards, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Parker, Payne, Pegues, Penry, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—56

Nays:

Reps.: Bowling, Buskey, Cheatwood, Clark (W), Cooley, Crow, Hilliard, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Nevett, Rains, Reed, Turner, Williams and Wyatt.

—19

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Albright to indefinitely postpone the bill, H. 68 as amended, was lost.

Yeas 23; Nays 51.

Yeas:

Reps.: Albright, Bowling, Buskey, Cheatwood, Clark (W), Cooley, Hall, Harrison, Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Penry, Rains, Reed, Turner and Wyatt.

—23

REGULAR SESSION
15th Day

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Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—51

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment #2 to the bill, H. 68 as amended:

Amend House Bill 68 on page 3, line 29 by striking Section 9 in its entirety and inserting in lieu thereof the following: This Act shall become effective with the May class of 1981.

AMENDMENT TABLED

On motion of Rep. Dixon, the amendment #2 offered by Rep. Hilliard to the bill, H. 68 as amended, was tabled.

Yeas 52; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Johnson (R. G.), Laird, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Bowling, Buskey, Cheatwood, Clark (W), Coburn, Cooley, Crow, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Rains, Reed, Smith (C), Turner and Wyatt.

—21

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 68:

Line 9 strike the word requires and place in lieu thereof allows

AMENDMENT TABLED

On motion of Rep. Dixon, the amendment offered by Rep. Albright to the bill, H. 68 as amended, was tabled.

Yeas 51; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Cates, Clark (C), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harvey, Laird, Lewis, McMillan, Manley, Minus, Mitchell, Olive, Parker, Payne, Pegues, Penry, Ray, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Ward, Willis and Zoghby.

—51

Nays:

Reps.: Albright, Bowling, Buskey, Cheatwood, Clark (W), Cooley, Crow, Hall, Hilliard, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Rains, Riddick, Smith (C), Turner and Wyatt.

—22

And the bill, H. 68 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 31.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Grouby, Hammett, Harper (T), Laird, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Willis and Zoghby.

—53

Nays:

Reps.: Albright, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cooley, Crow, Grimsley, Hall, Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Patton, Rains, Reed, Smith (C), Stewart, Turner, Warren, Williams and Wyatt.

—31

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 122. Relative to meeting dates: i.e., Tuesday, March 25, 1980 and Thursday, March 27, 1980.

Also:

H. J. R. 124. PRAISING THE OUTSTANDING ACCOMPLISHMENTS OF COACH JAMES V. OLIVER'S A.S.U. HORNETS.

Also:

H. J. R. 125. NAMING A PORTION OF LAWRENCE COUNTY ROAD NUMBER 27, THE " R.M. BERLIN HUTTO ROAD."

Also:

H. J. R. 126. COMMENDING DR. SHELBY COUNCE OF HUNTSVILLE, RECENTLY SELECTED AS ONE OF THE "ONE HUNDRED TOP SCHOOL EXECUTIVES OF NORTH AMERICA."

Also:

H. J. R. 128. MOURNING THE TRAGIC DEATH OF DEPUTY SHERIFF ARLYN G. LOCKLEY OF ST. CLAIR COUNTY, ALABAMA.

Also:

H. J. R. 129. COMMENDING THE DEMOCRAT-REPORTER ON ITS CENTENNIAL OF SERVICE TO MARENGO COUNTY.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:45 P.M. on March 20, 1980.

H. 593.

H. 595.

H. 600.

Delivered to the Governor at 2:00 P.M. on March 20, 1980.

H. J. R. 122.

H. J. R. 124.

H. J. R. 125.

H. J. R. 126.

H. J. R. 128.

H. J. R. 129.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 123, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 25, 1980.

Yeas 42; Nays 39

Yeas:

Mr. Speaker, Bedsole, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, Manley, Minus, Moore, Nevett, Olive, Patton, Pegues, Riddick, Shoemaker, Trammell, Turner, Turnham, Warren and Williams.

—42

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Crow, Dixon, Gafford, Greer, Gregg, Hall, Hammett, Holley, Johnson (R. G.), Laird, Lewis, McMillan, Mitchell, Naramore, Parker, Payne, Rains, Ray, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Wyatt and Zoghby.

—39

SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 25, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Andrew W. Tampling, Baptist State Convention, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore,

Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Gilmer, leave of absence was granted for Rep. Cobb, due to illness.

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Mitchell.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 133. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 25, 1980, we adjourn to meet again on Thursday, March 27, 1980, at 12:00 Noon.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Manley offered the motion to suspend the rules and adopt the resolution, H. R. 133.

DIVISION OF THE QUESTION

Rep. Wyatt called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Manley to suspend the rules in order to take up for immediate consideration the resolution, H. R. 133, and the motion was lost, lacking a four-fifths vote.

Yeas 35; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Blake, Brakefield, Cabaniss, Clark (G), Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Holley, Manley, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Sasser, Shoemaker, Smith (J), Smith (M), Trammell, Turner, Turnham, Venable and Willis.

—35

Nays:

Reps.: Albright, Boles, Carter, Cheatwood, Cobb, Coburn, Crow, Daniels, Dixon, Ford, Greer, Gregg, Harper (O), Hilliard, Horn, Howard, Johnson (Roy), Letson, McKee, Nevett, Patton, Penry, Rains, Riddick, Roberts, Shavers, Smith (C), Starkey, Stewart and Wyatt.

—30

The resolution, H. R. 133, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Manley:

H. R. 134. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 25, 1980, we adjourn to meet again on Thursday, March 27, 1980, at 11:00 A.M.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the resolution, H. R. 134:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 25, 1980, we adjourn to meet again on Thursday, March 27, 1980, at 9:00 A.M.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 134, as amended, was adopted.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 2. (With Amendments): To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic

signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 757. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

H. 87. To amend Section 16-13-1 of the Code of Alabama 1975, which sets the fiscal year for all boards of education, so as to change the dates of said fiscal year.

H. 102. To provide that any bona fide citizen of the state who 8s over 65 years of age or retired because of physical disability shall be exempt from paying any tuition at any state supported institution of higher learning on a "space available" priority basis.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953; an act providing a civil service system for the City of Anniston (Acts 1953, Vol. 11, p. 838), in relation to the expense allowance of members of the civil service board.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 749. (With Amendment): Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 166. (With Amendment): To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court holding at Mobile County.

The above bill was read a second time at length as required by the Constitution.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 529. (With Substitute): Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of the City of Mobile.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 656. Relating to Mobile County: To provide for funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

H. 657. Relating to Mobile County: To provide for funds for the general funds of the several incorporated municipalities in Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

H. 658. To repeal Act No. 544, S. 602, approved September 7, 1967, Regular Session 1967 (Acts 1967, p. 1294), entitled "An Act To provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census requiring contributions by Mobile County to the Mobile County Board of Health."

H. 659. To repeal Act No. 751, S. 599, approved September 8, 1967, Regular Session 1967 (Acts 1967, p. 1606), entitled "An Act to provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of

not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; requiring contributions by incorporated municipalities in such counties."

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

On motion of Rep. Pegues, the resolution, S. J. R. 46, was adopted.

Also:

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with substitute, said substitute being as follows:

Amend SJR 47, Page 1, Line 14, after the word "Auburn" by striking University and inserting in lieu thereof University.

And the substitute was adopted.

On motion of Rep. Pegues, the resolution:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

As amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS, PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

On motion of Rep. Pegues, the resolution, S. J. R. 51, was adopted.

Also:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

On motion of Rep. Pegues, the resolution, S. J. R. 55, was adopted.

Also:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U. S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

On motion of Rep. Pegues, the resolution, S. J. R. 62, was adopted.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps.: Horn and Hilliard:

H. R. 135. COMMENDING CRIMSON TIDE BASKETBALL STAR, ROBERT "RAH-RAH" SCOTT.

Also:

By Rep. Warren:

H. R. 136. HONORING KEITH PUGH FOR OUTSTANDING ATHLETIC ACHIEVEMENT WITH THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Gafford:

H. 787. To provide for fees for the privilege of using a credit card or similar arrangement.

Banking.

By Reps. Roberts, Patton, Cooley and Letson (With Notice and Proof):

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 788, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Smith (J) (With Notice and Proof):

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 789, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Smith (J) (With Notice and Proof):

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Smith (J) (With Notice and Proof):

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 791, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gregg, Albright and Smith (J) (With Notice and Proof):

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 792, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (W) (With Notice and Proof):

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 793, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Riddick (With Notice and Proof):

H. 794. To Amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 794, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Brakefield (With Notice and Proof):

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 795, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular

Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 796, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 797, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nevett (With Notice and Proof):

H. 798. To provide for the composition, terms and manner of election of the members of the city council of Fairfield, Jefferson County, Alabama; to provide for the election of certain members of such council from wards; to describe such wards and to provide for the election of a chairperson from the city at large.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 798, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nevett (With Notice and Proof):

H. 799. To amend further Act No. 248, H. 580, Regular Session 1945 (General Acts 1945, p. 376), which creates a civil service system in counties having a population of 400,000 or more inhabitants, so as to provide further for the definition of certain terms.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 799, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Manley:

H. 800. Proposing an amendment to the Constitution of Alabama so as to amend Section 70 of the 1901 Constitution so as to allow revenue raising bills to originate in the House of Representatives or the Senate.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Rains, Kelley and Harvey (With Notice and Proof):

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 801, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy) (With Notice and Proof):

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 802, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 803. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Ways and Means.

By Reps. Lewis, Boles, Trammell, Howard and Amari (With Notice and Proof):

H. 804. Relating to Jefferson County; fixing the salary of the deputy probate judge.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 805. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Judiciary.

By Rep. Turner (With Notice and Proof):

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stout, Drinkard, Lewis, Hall, Cooley, Cheatwood, Albright, Starkey, Bowling, Daniels, Adams (C), Greer, Boles, Stewart, Ford, Jackson, Harrison, Blake, Grimsley, Mitchell, Johnson (Roy), Rains, Johnson (R. G.), Olive, Crow, Harvey, Brakefield, Trammell, Campbell, Carothers, Amari, Penry, Bennett and Roberts:

H. 807. To provide that any person who violates the vehicle load limitations as prescribed in Section 32-9-20 of the Code of Alabama 1975, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages to be assessed against such person; to provide a schedule of damages to be assessed against any person operating under a permit authorized by Section 32-9-29 of the Code of Alabama 1975, as amended, who exceeds the limits allowed by such permit; to provide that the proceeds of such damages shall be credited to the public road and bridge fund to be expended in accordance with the provisions of Section 40-17-78 of the Code of Alabama 1975, by department or departments charged with the legal responsibility of enforcing said laws and the county in which the violation occurred.

State Administration.

By Rep. Minus (With Notice and Proof):

H. 808. Relating to the Seventeenth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Judiciary.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 809, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 810. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civil remedies for violation of such regulations.

Ways and Means.

By Reps. Turnham and McCorquodale:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

Ways and Means.

By Rep. McKee:

H. 812. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude distillate or liquefied gas from such definitions.

Ways and Means.

By Reps. Shoemaker and Dial:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

State Administration.

By Reps. Shoemaker and Dial:

H. 814. To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Acts 1957, Vol. II, pp. 797-798) to authorize the

Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

Ways and Means.

By Rep. Owens:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

Ways and Means.

By Rep. Owens:

H. 816. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

Ways and Means.

By Rep. Amari:

H. 817. To further provide for payroll deductions for state employees.

State Administration.

By Reps. Amari and Bennett:

H. 818. To amend the title and Section 2 of Act No. 79-566, 1979 Regular Session (Acts 1979, p. 1015), such section now appearing as section 12-18-41, Code of Alabama 1975, relating to prior creditable service of certain judges for retirement purposes, so as to allow credit for time served as a municipal judge.

Ways and Means.

By Rep. Smith (J):

H. 819. To amend section 15-22-28 of the Code of Alabama 1975 relating to parole and eligibility of certain inmates for parole, so as to provide new standards of eligibility of inmates for parole; to provide further for parole procedures; specifically to repeal sections 14-9-1, 14-9-2, and 14-9-20 through 14-9-25 of the Code of Alabama 1975 relating to deductions of sentences and commutation of sentences; to provide that any person convicted of certain crimes shall never be eligible for parole under Article 2 of Chapter 22 of the Code of Alabama 1975; and to repeal any other laws or parts of laws in conflict with the provisions of this act.

Judiciary.

RESOLUTION

The following resolution was introduced:

By Rep. Carter:

H. J. R. 137. COMMENDING THE ATHENS NEWS COURIER ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

WHEREAS, the Legislature of Alabama is pleased to note the 100th anniversary celebration of the Athens News Courier, July 4, 1980, observed through publication of the Courier's special souvenir Centennial Edition; and

WHEREAS, the Athens News Courier is the successor to the Alabama Courier, founded in 1880, the Limestone Democrat, 1891, and the News Leader, 1965; now published five days a week, the Courier continues to witness and conscientiously report the news to its readers, a policy begun literally in Reconstruction Days in Alabama, one century ago; and

WHEREAS, the Athens News Courier, now entering its second century of service to Limestone County and surrounding areas, is a strong and vital force in the community, providing its subscribers and readers with reliable information through responsible journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend the Athens News Courier on its first one hundred years, and extend warm best wishes for continued success in its second century of publication.

BE IT FURTHER RESOLVED, That the Courier be advised, by copy of this resolution, of the Legislature's sincere praise and deep appreciation for outstanding service to Limestone County and to the entire State of Alabama.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 137, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Owens, the rules were suspended in order to take up out of order the bill, H. 690.

Yeas 7; Nays 1.

Yeas:

Reps.: Barton, Blake, Cabaniss, Coburn, Howard, Johnson (Roy) and Owens.

—7

Nay: Rep. Clark (G).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

LEAVE OF ABSENCE

At the request of Rep. Wyatt, leave of absence was granted for Rep. Langford.

H. 690 RESUMED

And the bill:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Was taken up.

H. 690 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 690, was temporarily postponed.

BILLS ON THIRD READING

And the bill:

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bennett, Brakefield, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Goodwin, Greer, Hall, Harper (O), Harper (T), Johnson (Roy), McKee, Manley, Minus, Naramore, Olive, Parker, Patton, Pegues, Penry, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Reps.: Albright, Bennett, Brakefield, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Goodwin, Greer, Hall, Harper (O), Harper (T), Harvey, Letson, McKee, Naramore, Olive, Parker, Patton, Pegues, Penry, Ray, Shavers, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Brakefield, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Letson, Lewis, McKee, McMillan, Manley, Naramore, Olive, Parker, Patton, Pegues, Penry, Ray, Roberts, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward and Willis.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Brakefield, Campbell, Carter, Cheatwood, Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Brakefield, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Brakefield, Campbell, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Willis and Wyatt.

—56

And the bill:

H. 730. (With Amendment): Relating to Washington County; prohibiting the hunting of unantlered deer.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 1, Line 19, by adding the following after the last sentence thereof:

"In the case that the Conservation Department deems it necessary that individual property may be damaged due to overpopulation or health reasons of the deer, the Conservation Department may open the unantlered deer season. As far as bow hunting is concerned, the unantlered season shall be left up to the Conservation Department."

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Campbell, Cheatwood, Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Horn, Laird, Letson, Lewis, McKee, McMillan, Minus, Naramore, Nevett, Olive, Patton, Penry, Ray, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 730 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 1.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Campbell, Cheatwood, Clark (W), Cosby, Crow, Drinkard, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Laird, McKee, McMillan, Minus, Naramore, Nevett, Olive, Parker, Patton, Penry, Ray, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Willis and Wyatt.

—42

Nay: Rep. Letson.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Parker, Patton, Pegues, Penry, Ray, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Willis and Wyatt.

—56

And the bill:

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Buskey, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Parker, Patton, Pegues, Penry, Ray, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Willis and Wyatt.

—53

And the bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Buskey, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow,

Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Parker, Patton, Penry, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 753. (With Amendment): To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 1, Line 27, by adding the following after the last sentence thereof:

"If a jailer or deputy comes under the Social Security Act, and the result of this Bill causes his/her Social Security to be cut out, Commissioners can adjust his/her salary to include Social Security compensation."

And the amendment was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Bowling, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Kelley, McKee, McMillan, Minus, Nevett, Olive, Patton, Pegues, Penry, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Ward, Whatley, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 753 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Bowling, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Drinkard, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Kelley, Kennedy, Laird, McKee, McMillan, Minus, Moore, Nevett, Olive, Parker, Patton, Pegues, Penry, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Ward, Whatley, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Parker, Patton, Pegues, Penry, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Ward, Whatley, Willis and Wyatt.

—53

And the bill:

H. 559. (With Substitute) (With Amendment): Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by non-profit organizations for charitable or educational purposes shall be legal in Madison County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo license shall be issued to any non-profit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license;

(c) Bingo games shall be operated only on the premises owned or leased by the non-profit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No non-profit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the non-profit organization, nor shall said non-profit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A non-profit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said non-profit organization is not directly and solely operating said bingo game;

(f) Prizes given by any non-profit organization for the playing of bingo games shall not exceed \$1,000.00 in cash or gifts of equivalent value during any bingo session or \$2,000.00 in cash or gifts of equivalent value during any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

And the substitute was adopted.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Bowling, Buskey, Cabaniss, Carter, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Laird, Lewis, McKee, McMillan, Minus, Moore, Penry, Reed, Roberts, Shavers, Shoemaker, Smith (M), Stout, Trammell, Turner, Whatley, Willis and Wyatt.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 559 as substitute, Section 4, page 3, by adding the following:

Section 4. This amendment shall not become effective unless approved by referendum of ten electorate of Madison County. Said referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2, above.

And the amendment was adopted.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Bowling, Cabaniss, Carter, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Grouby, Hall, Kennedy, Laird, Lewis, McKee, McMillan, Minus, Patton, Penry, Reed, Roberts, Shavers, Shoemaker, Smith (M), Stout, Turner and Willis.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 559 as thus amended was read a third time at length and lost, lacking a three-fifths vote of all members elected to the House.

Yeas 20; Nays 14.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Buskey, Cabaniss, Clark (W), Gilmer, Hall, Harper (T), Hilliard, Horn, Manley, Minus, Patton, Reed, Shavers, Smith (J), Smith (M) and Stout.

—20

Nays:

Reps.: Adams (H), Blake, Cheatwood, Gregg, Harper (O), Holley, Laird, McKee, Nevett, Olive, Parker, Rains, Riddick and Smith (C).

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Clark (W), Cosby, Crow, Drinkard, Goodwin, Greer, Hall, Harper (O), Harper (T), Harvey, Kelley, Laird, McMillan, Manley, Minus, Nevett, Olive, Parker, Patton, Pegues, Penry, Reed, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Ward, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS POSTPONED

On motion of Rep. Starkey, the bills, H. 285 and H. 286, were postponed to the nineteenth legislative day.

BILLS TEMPORARILY POSTPONED

On motion of Rep. Manley, the bills, H. 284 and H. 283, were temporarily postponed.

And the bill:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Parker, Reed, Riddick, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—71

Nays:

Reps.: Clark (G), Cosby, Edwards, Grouby, Holley, Laird, Manley, Pegues and Warren.

—9

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 41:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Harper (O), Harrison, Harvey, Hilliard, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McKee, Naramore, Nevett, Olive, Penry, Reed, Riddick, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Waggoner, Ward and Zoghby.

And the bill:

H. 205. To provide for the election of the members of county boards of education and of county superintendents of education in those counties having city school systems located therein.

Was taken up.

SUBSTITUTE OFFERED

Rep. Greer offered the following substitute to the bill, H. 205:

A BILL TO BE ENTITLED AN ACT

To provide for the election of the members of county boards of education and of county superintendents of education in those counties having city school systems located therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Only those qualified electors residing outside the city limits of a city in which the school system is under the jurisdiction of a city board of education may vote in any election of the members of a county board of education or any election of a county superintendent of education. The superintendent of education and the members of the board of education shall not be required to reside in the jurisdiction of the school system.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 21; Nays 2.

Yeas:

Reps.: Adams (H), Barton, Carter, Cheatwood, Clark (G), Coburn, Cosby, Goodwin, Greer, Hall, Harrison, Hines, Holley, Kelley, Manley, Parker, Patton, Penry, Rains, Smith (J) and Stewart.

—21

Nays: Reps.: Shavers and Whatley.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 205 INDEFINITELY POSTPONED

On motion of Rep. Manley, the bill, H. 205, as amended, was indefinitely postponed.

Yeas 44; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Bennett, Blake, Cabaniss, Clark (G), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Grouby, Hammett, Harrison, Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McMillan, Manley, Minus, Olive, Owens, Parker, Pegues, Rains, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley and Zoghby.

—44

Nays:

Reps.: Albright, Amari, Boles, Bowling, Carter, Cheatwood, Ford, Goodwin, Greer, Hall, Holley, Howard, Letson, Lewis, Payne, Penry, Roberts, Stout, Waggoner and Wyatt.

—20

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Manley offered the motion to reconsider the vote by which the bill, H. 205 as amended, was indefinitely postponed.

MOTION TO RECONSIDER TABLED

On motion of Rep. Manley, the motion to reconsider the vote by which the bill, H. 205 as amended, was indefinitely postponed, was tabled.

Yeas 53; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carter, Clark (G), Clark (W), Cosby, Dial, Dixon, Edwards, Ford, Gilmer, Grouby, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Payne, Pegues, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Warren, Whatley and Zoghby.

—53

Nays:

Reps.: Boles, Cheatwood, Greer, Holley, Penry and Wyatt.

—6

And the bill:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 4.

Yeas:

Reps.: Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Letson, Lewis, McKee, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Roberts, Smith (C), Stewart, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—54

Nays: Reps.: Hilliard, Horn, Howard and Turner.

—4

And the bill:

H. 136. To regulate certain marine dealership practices in the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Turner, Ward, Warren, Whatley, Willis and Zoghby.

—62

Nays: Reps.: Hilliard, Howard and Wyatt.

—3

And the bill:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin,

Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Riddick, Roberts, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—67

Nay: Rep. Ray.

—1

And the bill:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 6.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Letson, Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—58

Nays:

Reps.: Hines, Kelley, McMillan, Manley, Penry and Williams.

—6

CO-SPONSOR ADDED

Rep. Gregg, was added as co-sponsor to the bill, H. 267.

And the bill:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow,

Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Horn, Howard, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Manley, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—61

H. 690 AGAIN TAKEN UP

The bill, H. 690, which previously was temporarily postponed, was again taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 690:

A BILL
TO BE ENTITLED
AN ACT

Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed an additional privilege license tax in the amount of three cents (3¢) on each twelve (12) fluid ounces or fractional part thereof of malt or brewed beverages (including beer, lager, ale, porter, or similar fermented liquor containing one-half of one percent or more of alcohol by volume) sold, used, consumed, stored, or withdrawn from storage in Tuscaloosa County; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once. The privilege or license tax provided for herein shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax imposed by this Act shall be collected by or under the supervision of the probate judge of Tuscaloosa County in the same manner and under the same conditions as provided for any tax levied under Act 556, Regular Session 1953 (Acts of Alabama 1953, p. 784), and the proceeds (less the costs of collection and administration as provided in said Act 556) shall be distributed as follows:

(a) Thirty-six percent (36%) to the City of Tuscaloosa to be used exclusively for salary increases over and above salary and benefits paid to employees of the City. Sixty percent (60%) of the thirty-six percent (36%) of those revenues derived by the City of Tuscaloosa from this Act shall be used to provide an equal bonus payment to the Tuscaloosa Law Enforcement officers who are Civil Service employees and who have been certified by the Peace Officers' Standards and Training Commission of the State of Alabama as peace officers and equally to the City of Tuscaloosa firemen who are Civil Service employees. Forty percent (40%) of those revenues derived by the City of Tuscaloosa under the provisions of this Act shall be divided equally to all

other full-time employees of the City of Tuscaloosa. These salary increases shall be paid in the form of an annual bonus payable during the first pay-period one year after the passage of this Act. Any future growth in the revenues derived by the City of Tuscaloosa or any interest that may be earned by this funds as a result of this Act shall be distributed to the City of Tuscaloosa employees in the manner mandated by this Act.

(b) Ten percent (10%) to the City of Northport to be deposited in the city general fund to be used exclusively for bonus payments over and above present salaries and benefits in the following manner: Sixty percent (60%) of the ten percent (10%) shall be used to grant bonus payments to public safety employees over and above their present salaries. Forty percent (40%) of the ten percent (10%) shall be used exclusively for bonus payments of other city employees over and above their present salaries.

(c) Forty-six percent (46%) to Tuscaloosa County to be deposited in the county general fund to be used exclusively to fund salaries of employees in the sheriff's department, such salaries and uniform equipment to be comparable to the salaries and uniform equipment of state troopers as provided by law, and any remaining funds to be used for salaries of county employees.

(d) Eight percent (8%) to the Tuscaloosa County Parks and Recreation Authority for capital outlay, park renovation, and park improvement. These funds may not be used to pay salaries or general operating costs.

Section 3. The probate judge of Tuscaloosa County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege license tax provided by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The probate judge shall be authorized to deduct from the proceeds of such tax an amount equal to one percent (1%) of the proceeds prior to distribution to defray the costs of collection and administration to be distributed in the same manner as provided in Act 556, Regular Session 1953. The probate judge may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure. Each city receiving any funds under this Act shall provide aid and assistance in enforcing the tax herein authorized within its territory.

Section 4. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the county commission of Tuscaloosa County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this Act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective on the first day of the second month immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Clark (G) that the House adjourn until 9:00 o'clock a.m., Thursday, March 27, 1980, was lost.

Yeas 7; Nays 53.

Yeas:

Reps.: Buskey, Campbell, Clark (G), Cosby, Hilliard, Manley and Roberts.

—7

Nays:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Crow, Dial, Dixon, Drinkard, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McKee, McMillan, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Shoemaker, Smith (C), Starkey, Stewart, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Also:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Resolution:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

REGULAR SESSION
16th Day

727

H. 690 RESUMED
SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Owens to the bill, H. 690, and the substitute was adopted.

Yeas 7; Nays 2.

Yeas:

Mr. Speaker, Hines, Howard, Johnson (Roy), Letson, McKee and Owens.

—7

Nays: Reps.: Barton and Clark (G).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 690 as amended:

Amend House Bill 690 on page three, section three, in the following manner:

Delete section three in its entirety and insert a new section three to read as follows:

"Section 3. The probate judge of Tuscaloosa County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege license tax provided by this Act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The probate judge may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure. Each city receiving any funds under this Act shall provide aid and assistance in enforcing the tax herein authorized within its territory."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 6; Nays 0.

Yeas:

Reps.: Barton, Clark (G), Hines, Howard, Johnson (Roy) and Owens.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate or registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

McDOWELL LEE,
Secretary.

H. 690 RESUMED

Rep. Clark (G) offered the following amendment No. 1 to the bill, H. 690 as amended:

On page 1, on the third line of Section 1, strike the following language:
three cents (3¢) on each twelve (12) and insert in lieu thereof:
one cent (1¢) on each four (4)

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Clark (G) to the bill, H. 690 as amended, was tabled.

Yeas 3; Nays 2.

Yeas: Reps.: Howard, Johnson (Roy) and Owens. —3

Nays: Reps.: Barton and Clark (G). —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 137. COMMENDING THE ATHENS NEWS COURIER ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

McDOWELL LEE,
Secretary.

H. 690 RESUMED

Rep. Clark (G) offered the following amendment No. 2 to the bill, H. 690 as amended:

On page 1, in the Title, on the sixth line, strike the period and insert the following language:

; and providing for voter approval at a referendum.

On page 4, strike all the language in Section 8 and insert in lieu thereof:

Section 8. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Tuscaloosa County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of Tuscaloosa County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law levying an additional privilege license tax on malt and brewed beverages? Yes () No ()." If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Tuscaloosa County shall certify the results of the election to the Secretary of State.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment No. 2 offered by Rep. Clark (G) to the bill, H. 690 as amended, was lost.

Yeas 3; Nays 3.

Yeas: Reps.: Howard, Johnson (Roy) and Owens. —3

Nays: Reps.: Barton, Clark (G) and Manley. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT LOST

The question was then on the adoption of the amendment No. 2 to the bill, H. 690 as amended, and the amendment was lost.

Yeas 2; Nays 3.

Yeas: Reps.: Barton and Clark (G). —2

Nays: Reps.: Howard, Johnson (Roy) and Owens. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 690 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 3; Nays 2.

Yeas: Reps.: Howard, Johnson (Roy) and Owens. —3

Nays: Reps.: Barton and Clark (G). —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Bennett offered the motion to reconsider the vote by which the bill, H. 41, was passed, and the motion to reconsider was adopted.

Yeas 36; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Blake, Carothers, Cheatwood, Coburn, Cosby, Crow, Harper (O), Harper (T), Hilliard, Johnson (R. G.), Laird, Lewis, McKee, Minus, Moore, Olive, Owens, Parker, Payne, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams and Willis.

—36

Nays: Reps.: Carter, Greer and Pegues. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 41 AGAIN TAKEN UP

And the bill:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Was again taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 41:

Amend House Bill 41 on page 2, on line 22 by adding a new section 6 and renumbering remaining sections accordingly. New section 6 to read as follows:

Section 6. It is further stipulated that the penalty provisions of this Act shall not apply in cases where counties or cities show such unusual tax growth that they produce local effort amounting to at least 18% of their total school budgets from local sources at the time of passage of this Act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Harper (O), Harper (T), Johnson (R. G.), Kelley, Letson, Lewis, Moore, Patton, Payne, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 41 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 9.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Coburn, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Waggoner, Ward, Willis and Wyatt.

—63

Nays:

Reps.: Clark (G), Cosby, Edwards, Grouby, Laird, Manley, Pegues, Warren and Williams.

—9

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 167. A bill to supplement the salaries of the Circuit Judges of the Thirteenth Judicial Circuit.

Also:

H. 301. Relating to Choctaw County; to provide that the county commission shall have the authority to approve any license for the sale of alcoholic beverages to any establishment located within the county, but outside the city limits of the municipalities.

Also:

H. J. R. 137. COMMENDING THE ATHENS NEWS COURIER ON ITS FIRST ONE HUNDRED YEARS OF PUBLICATION.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 262. To require reimbursement to the municipality which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

Was taken up.

MOTION TO POSTPONE

Rep. Venable offered the motion to postpone consideration of the bill, H. 262, to the nineteenth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Clark (G) that the House adjourn until 9:00 o'clock a.m., Thursday, March 27, 1980, was lost.

Yeas 27; Nays 34.

Yeas:

Reps.: Blake, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Cooley, Cosby, Goodwin, Grimsley, Harper (O), Hilliard, Horn, Johnson (Roy), Kelley, Kennedy, Letson, Reed, Shavers, Stout, Trammell, Tucker, Turner, Warren, Williams and Willis.

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Carter, Crow, Dial, Drinkard, Edwards, Gilmer, Greer, Gregg, Hall, Johnson (R. G.), Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Ray, Riddick, Shoemaker, Smith (C), Stewart, Waggoner and Zoghby.

—34

MOTION TO POSTPONE TABLED

The question was then on the motion offered by Rep. Venable to postpone consideration of the bill, H. 262, to the nineteenth legislative day, and on motion of Rep. McKee, the motion to postpone was tabled.

Yeas 37; Nays 28.

Yeas:

Reps.: Adams (C), Amari, Buskey, Cabaniss, Cheatwood, Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Hilliard, Kelley, Kennedy, Laird, Letson, Lewis, McKee, Nevett, Owens, Patton, Payne, Pegues, Ray, Sasser, Smith (C), Stewart, Turner, Waggoner, Ward, Williams and Willis.

—37

Nays:

Reps.: Albright, Barton, Blake, Brakefield, Carothers, Carter, Cooley, Greer, Gregg, Hall, Hammett, Harper (O), Harvey, Hines, Howard, Johnson (R. G.), Johnson (Roy), McMillan, Manley, Minus, Moore, Penry, Reed, Shavers, Smith (M), Stout, Trammell and Venable.

—28

MOTION TO POSTPONE TABLED

On motion of Rep. McKee, the motion offered by Rep. Hammett to postpone consideration of the bill, H. 262, to the eighteenth legislative day, was tabled.

Yeas 38; Nays 28.

Yeas:

Reps.: Adams (C), Amari, Buskey, Cabaniss, Cheatwood, Clark (W), Cosby, Crow, Dial, Dixon, Edwards, Gilmer, Goodwin, Grouby, Hines, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Shavers, Smith (C), Stewart, Turner, Waggoner, Ward, Warren and Willis.

—38

Nays:

Reps.: Albright, Barton, Blake, Brakefield, Carothers, Carter, Clark (G), Coburn, Cooley, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hilliard, Howard, Johnson (Roy), Kelley, Manley, Minus, Moore, Olive, Reed, Smith (M), Trammell, Tucker and Williams.

—28

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 262:

In the synopsis on line 6, page 1, after the word "Municipalities" add the words "and counties and state"

FURTHER AMEND H. 262

On line 19, page 1 add the words

"or county and state" after the word "municipality" and on line 26, add the words "or county and state" after the word "municipality"

on line 32 after the word "municipality" remove the comma and add "or county, and state,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—84

And the bill:

H. 262. To require reimbursement to the municipality or county and state which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 11.

Yeas:

Mr. Speaker, Albright, Amari, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hilliard, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—66

Nays:

Reps.: Barton, Cooley, Hammett, Harvey, Holley, Manley, Minus, Shavers, Shoemaker, Smith (M) and Stout.

—11

And the bill:

H. 263. To amend Section 11-51-130, Code of Alabama 1975, to authorize municipalities to levy an increased license tax on banks and branch banks.

Was taken up.

H. 263 POSTPONED

On motion of Rep. McKee, the bill, H. 263, was postponed to the eighteenth legislative day.

And the bill:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hilliard, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McMillan, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—63

Nay: Rep. Manley.

—1

And the bill:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Clark (G),

Clark (W), Coburn, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Williams and Willis.

—68

And the bill:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 4.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Ward, Warren, Willis and Zoghby.

—66

Nays: Reps.: Johnson (Roy), Lewis, Manley and Wyatt.

—4

And the bill:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy,

REGULAR SESSION
16th Day

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Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—70

Nay: Rep. Wyatt.

—1

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley, that the House adjourn until 9:00 o'clock a.m., Thursday, March 27, was lost.

Yeas 15; Nays 49.

Yeas:

Reps.: Blake, Brakefield, Buskey, Campbell, Carothers, Clark (G), Daniels, Dixon, Goodwin, Holley, Johnson (Roy), Laird, Shavers, Warren and Williams.

—15

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Cosby, Dial, Drinkard, Gafford, Greer, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Jackson, Johnson (R. G.), Lewis, McMillan, Manley, Minus, Moore, Nevett, Olive, Patton, Pegues, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Waggoner, Ward and Zoghby.

—49

BILLS ON THIRD READING RESUMED

And the bill:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harrison to indefinitely postpone consideration of the bill, H. 69, was lost.

Yeas 2; Nays 37.

Yeas: Reps.: Harrison and Tucker.

—2

Nays:

Reps.: Adams (H), Amari, Biddle, Blake, Boles, Brakefield, Cabaniss, Cheatwood, Cosby, Dixon, Gafford, Gilmer, Greer, Grimsley, Hammett, Harper (O), Hilliard, Jackson, Johnson (R. G.), Laird, Lewis, McKee, Moore, Nevett, Olive, Pegues, Penry, Shavers, Smith (C), Smith (J), Smith (M), Stout, Trammell, Waggoner, Ward, Whatley and Williams.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECOMMIT TABLED

On motion of Rep. Payne, the motion offered by Rep. Tucker to recommit the bill, H. 69, to the Standing Committee on Local Government, was tabled.

Yeas 38; Nays 2.

Yeas:

Reps.: Amari, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Dixon, Edwards, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Jackson, Johnson (R. G.), Laird, Lewis, Moore, Nevett, Olive, Patton, Payne, Pegues, Penry, Roberts, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Trammell, Waggoner and Ward.

—38

Nays: Reps.: Hilliard and Horn.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 69, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 8.

Yeas:

Reps.: Adams (C), Amari, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Cheatwood, Cosby, Dixon, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Jackson, Johnson (Roy), Kelley, Laird, Lewis, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Trammell, Waggoner and Ward.

—39

Nays:

Reps.: Bennett, Buskey, Clark (W), Harrison, Hilliard, Holley, Horn and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

CO-SPONSOR ADDED

Rep. Turner was added as co-sponsor to the bill, H. 58.

And the bill:

H. 60. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Holley.

—1

CO-SPONSOR ADDED

Rep. Turner was added as co-sponsor to the bill, H. 60.

And the bill:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—79

CO-SPONSORS ADDED

Reps. Turner and Albright were added as co-sponsors to the bill, H. 61.

And the bill:

H. 62. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—75

CO-SPONSOR ADDED

Rep. Turner was added as co-sponsor to the bill, H. 62.

And the bill:

H. 64. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Johnson (R. G.), Laird, Lewis, McMillan, Minus, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—64

Nay: Rep. Holley.

—1

CO-SPONSOR ADDED

Rep. Turner was added as co-sponsor to the bill, H. 64.

And the bill:

H. 65. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Was taken up.

CO-SPONSORS ADDED

Reps. Gilmer and Olive were added as co-sponsors to the bill, H. 65.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named, and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:35 P.M. on March 25, 1980.

H. 167

H. 301

H. J. R. 137

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Albright and pursuant to the resolution, H. R. 134, heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, March 27, 1980.

Yeas 36; Nays 32.

Yeas:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Cosby, Daniels, Dixon, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Horn, Kelley, Kennedy, Laird, Letson, Manley, Nevett, Patton, Pegues, Sasser, Tucker, Turner, Warren, Willis and Wyatt.

—36

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Coburn, Crow, Dial, Greer, Gregg, Grimsley, Harper (T), Johnson (R. G.), McKee, McMillan, Naramore, Olive, Penry, Ray, Riddick, Roberts, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Venable and Williams.

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SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 27, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Albert D. Perkins, III, Curate St. John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—96

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Gilmer, leave of absence was granted for Rep. Cobb, due to illness.

At the request of Rep. Gafford, leave of absence was granted for Rep. Biddle, due to illness in the family.

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Seibels, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 138. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn on Thursday, March 27, 1980, we adjourn to meet again on Tuesday, April 1, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 138, was adopted.

Also:

By Rep. Manley:

H. J. R. 139. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, March 27, we adjourn to meet again on Tuesday, April 1, 1980; when we adjourn on Tuesday, April 1, we adjourn to meet again on Thursday, April 3; when we adjourn on Thursday, April 3, we adjourn to meet again on Tuesday, April 8; when we adjourn on Tuesday, April 8, we adjourn to meet again on Thursday, April 10; when we adjourn on Thursday, April 10, we adjourn to meet again on Tuesday, April 15; when we adjourn on Tuesday, April 15, we adjourn to meet again on Thursday, April 17; when we adjourn on Thursday, April 17, we adjourn to meet again on Tuesday, April 22; when we adjourn on Tuesday, April 22, we adjourn to meet again on Wednesday, April 23; when we adjourn on Wednesday, April 23, we adjourn to meet again on Tuesday, April 29; when we adjourn on Tuesday, April 29, we adjourn to meet again on Thursday, May 1; when we adjourn on Thursday, May 1, we adjourn to meet again on Tuesday, May 6; when we adjourn on Tuesday, May 6, we adjourn to meet again on Thursday, May 8; when we adjourn on Thursday, May 8, we adjourn to meet again on Monday, May 19; and when we adjourn on Monday, May 19, all dates hereinabove set forth being in the year 1980, we adjourn sine die.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 139, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Mitchell.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 532. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 572. (With Substitute): To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

H. 536. To make appropriations for the support and maintenance of the Talladega College.

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 800. Proposing an amendment to the Constitution of Alabama so as to amend Section 70 of the 1901 Constitution so as to allow revenue raising bills to originate in the House of Representatives or the Senate.

The above bill was read a second time at length as required by the Constitution.

S. 105. The purpose of this bill is to amend § 41-13-21, Code of Alabama 1975, providing for the determination by the state records commission of those state records which may be destroyed and those which must be preserved; to provide that records of the courts within the unified judicial system may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the supreme court; to further provide that any retention schedules pertaining to court records previously adopted pursuant to law shall be superseded with respect to such records by any retention schedule which may subsequently be prescribed by rule of the supreme court; and to provide for the repeal of all provisions of law in conflict with this act.

H. 805. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

H. 808. Relating to the Seventeenth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

S. 214. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

H. 612. To authorize county governing bodies to grant the tax assessor authority to assess taxes from October 1 to September 30 of each tax year.

H. 732. To provide that any person convicted of certain crimes shall never be eligible for parole under Article 2 of Chapter 22 of Title 15 of the Code of Alabama 1975, nor for any deduction of sentence under Chapter 9 of Title 14 of the Code of Alabama 1975.

H. 819. To amend section 15-22-28 of the Code of Alabama 1975 relating to parole and eligibility of certain inmates for parole, so as to provide new standards of eligibility of inmates for parole; to provide further for parole procedures; specifically to repeal sections 14-9-1, 14-9-2, and 14-9-20 through 14-9-25 of the Code of Alabama 1975 relating to deductions of sentences and commutation of sentences; to provide that any person convicted of certain crimes shall never be eligible for parole under Article 2 of Chapter 22 of the Code of Alabama 1975; and to repeal any other laws or parts of laws in conflict with the provisions of this act.

S. 71. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 1-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 767. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate

purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

H. 739. To amend Section 13-6-157 of the Code of Alabama 1975 which regulates sales of pistols in this state so as to provide further for such regulation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 682. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying and engineering services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 807. To provide that any person who violates the vehicle load limitations as prescribed in Section 32-9-20 of the Code of Alabama 1975, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages to be assessed against such person; to provide a schedule of damages to be assessed against any person operating under a permit authorized by Section 32-9-29 of the Code of Alabama 1975, as amended, who exceeds the limits allowed by such permit; to provide that the proceeds of such damages shall be credited to the public road and bridge fund to be expended in accordance with the provisions of Section 40-17-78 of the Code of Alabama 1975, by department or departments charged with the legal responsibility of enforcing said laws and the county in which the violation occurred.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 736. To amend Section 16-13-99, Code of Alabama of 1975, which Section relates to place and method of payment of warrants, by eliminating therefrom the schedule of maximum fees to be paid a Paying Agent for the services performed in acting as Paying Agent of a board of education and as reimbursement for expenses incurred in remitting payments of warrants and/or coupons therefrom and substituting therefor a provision that a board of education shall pay such reasonable fees for such services, and as such reimbursement as may be negotiated and agreed upon by the board of education and its Paying Agent.

H. 768. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, coadministrator, executor, coexecutor, trustee or cotrustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 634. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

H. 671. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 762. (With Amendment): To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally reorganized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 506. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 42. (With Substitute): To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 764. To amend Section 9-11-237 of the Code of Alabama 1975 relating to game and fish and providing penalties for the sale of any part of a game animal so as to further provide that the section shall not apply to the sale by a licensed hunter of deer hides or antlers taken from a deer lawfully killed by that hunter.

H. 714. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 111. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

H. 392. To provide procedure whereby any project approved as an undertaking to be acquired by any industrial development board incorporated under Title 11, Chapter 54, Article 4 of the Code of Alabama 1975 may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

H. 418. To amend Section 18-1-18 of the Code of Alabama 1975, relating to the reduction of compensation awarded in eminent domain cases because of incidental benefits from the taking, so as to include municipalities, counties, and water and sewer boards or systems created by statute among those governmental entities which may be entitled to a certain setoff against damages in certain eminent domain cases.

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 490. (With Substitute): To require the headlight or headlights on a motorcycle or motor-driven cycle to be burning at any time the machine is moving on public streets or highways; and to prescribe penalties for violation.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 110. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Rep. Smith (J), Member of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 296. (With Amendment): To provide for the election and necessary residence of the county superintendent of education in Madison County; to provide for a referendum election in said county to determine if the provisions of this act shall become effective.

Rep. Smith (J), Member of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

Rep. Smith (J), Member of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 792. (With Amendment): An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Rep. Smith (J), Member of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 299. Relating to Morgan County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-3, Code of Alabama 1975, and to provide for the tentative termination of this act.

Also:

S. 4. To define various terms necessary to the application of trademark law; to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability of fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Also:

S. J. R. 46. HONORING J. MICHAEL SPROTT, 1979 MAN OF THE YEAR IN SERVICE TO ALABAMA AGRICULTURE.

Also:

S. J. R. 47. COMMENDING DR. BEN T. LANHAM FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

Also:

S. J. R. 51. MOURNING THE DEATH OF ROBERT D. BURGESS, PROMINENT COVINGTON COUNTY BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 55. HONORING JOHN HOWARD ANDERSON FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 62. COMMENDING LIEUTENANT COLONEL KARL-HEINZ ROEPER FOR MERITORIOUS SERVICE WITH THE U. S. ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Smith (C):

H. J. R. 140. PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK."

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that this week also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 5-11, 1980, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That the Honorable Fob James, Governor of Alabama, sign this proclamation designating May 5-11, 1980, "Alabama Alcohol Awareness—Marriage and Family Week."

RESOLVED FURTHER, That a copy of this resolution be transmitted to the Alabama Council on Alcohol Problems (ALCAP).

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 140, was adopted.

LEAVES OF ABSENCE

At the request of Rep. Wyatt, leave of absence was granted for Reps. Holmes and Langford.

At the request of Rep. McCorquodale, leave of absence was granted for Rep. Willis.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Williams (With Notice and Proof):

H. 820. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Williams (With Notice and Proof):

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (C) (With Notice and Proof):

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 822, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Pegues, Johnson (R. G.), Shoemaker, Roberts, Carothers, Willis, Minus, Hines, Cosby and Daniels:

H. 823. To levy an additional one percent privilege or license tax on the gross sales or gross receipts of certain business activities; to provide for the payment and collection of such additional tax; to provide that the proceeds thereof shall be deposited in the state general fund; and to provide for the abatement of such additional tax on December 31, 1980.

Ways and Means.

By Reps. Moore, Gafford, Payne, Shoemaker, Waggoner, Trammell, Biddle and Johnson (R. G.):

H. 824. To extend Alabama State Highway 119 past its present end to connect with Alabama State Highway 411, and directs the State Highway Department to erect the appropriate signs.

Ways and Means.

By Rep. Smith (J):

H. 825. To levy a certain "luxury tax" on sales of jewelry in this state; to provide for the payment and collection of such tax and to allocate the proceeds thereof for use in the state prison system.

Ways and Means.

By Rep. Laird (With Notice and Proof):

H. 826. To authorize the Randolph County Commission with the power to determine the qualifications for the county engineer. This act shall have retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 826, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Brakefield and Bowling (With Notice and Proof):

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.):

H. 828. To prohibit a municipality whose corporate limits do not lie within or extend into a county from exercising any taxing power within such county.

Local Government.

By Rep. Rains:

H. 829. To provide for the fiscal year of every educational institution under the control of the state board of education and of every college or university.

Education.

By Rep. Ray:

H. 830. To impose an excise tax on the use of outdoor advertising billboards.

Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Rains:

H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARRIS DRIVE."

WHEREAS, a graduate of the University of Chattanooga, and of the Medical School of the University of Tennessee in 1914, Dr. Briggs Parris was a learned and compassionate physician who began his practice of medicine in association with his brother, Dr. Dan Parris; and

WHEREAS, he moved in 1920, however, to Geraldine in DeKalb County, Alabama, and it was there and until his death on July 14, 1951, that Dr. Briggs Parris faithfully served his neighbors and fellow citizens as general practitioner and as a true friend; and

WHEREAS, for 31 years, Dr. Parris provided excellent medical care for his thousands of patients, regardless of ability to pay, and was further always supportive of their needs in time of trouble and in sorrow; and

WHEREAS, a deeply involved citizen in all areas of civic, educational and religious affairs, Dr. Briggs Parris greatly contributed to the community as a whole through a long and honorable record of service to others; and

WHEREAS, he also was advisor and friend to the farmers of his community, thereby contributing to the area's agricultural practices, and, through his avid interest in the schools, was instrumental in raising the quality of education available to the young people in his beloved home town; and

WHEREAS, it is the desire of the City Council of the City of Geraldine, Alabama, to honor the memory of Dr. Briggs Parris and also to express gratitude to the entire Parris family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that section of State Highway 75 beginning at the eastern part of the city limits of Geraldine, Alabama, in DeKalb County, and extending to the southern part of the city limits, as the "Dr. Briggs Parris Drive."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said portion of State Highway 75 as the "Dr. Briggs Parris Drive."

RESOLVED FURTHER, That copies of this resolution be provided to members of the Parris family in token of this commemorative designation.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 141, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 142. WELCOMING AMOCO FABRICS TO RANDOLPH COUNTY AND TO ALABAMA.

Also:

The following resolution was introduced:

By Rep. Hilliard:

H. J. R. 143. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor, upon written approval of the Chief Justice of the Alabama Supreme Court, donate any surplus books owned by the state to various law schools located in this state to which qualified members of the public may attend upon acceptance by any such school, or to any other institute of higher learning.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Fob James with a copy also provided for the Chief Justice of the Alabama Supreme Court.

On motion of Rep. Hilliard, the rules were suspended and the resolution, H. J. R. 143, was adopted.

BILLS ON THIRD READING

And the bill:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. 11, p. 838), in relation to the expense allowance of members of the civil service board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Buskey, Campbell, Carothers, Cates, Clark (W), Cosby, Dial, Edwards, Grimsley, Hall, Harper (O), Harper (T), Johnson (R. G.), Johnson (Roy), Laird, Manley, Minus, Olive, Owens, Penry, Rains, Shoemaker, Smith (C), Smith (J), Tucker, Venable, Ward, Williams and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 749. (With Amendment): Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Was taken up.

H. 749 POSTPONED

On motion of Rep. Laird, consideration of the bill, H. 749 with pending amendment, was postponed to the nineteenth legislative day.

And the bill:

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Dial, Drinkard, Edwards, Gilmer, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Olive, Penry, Rains, Ray, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Venable, Ward, Williams, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Dial, Drinkard, Edwards, Goodwin, Grouby, Hall, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Olive, Penry, Rains, Ray, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Ward, Williams, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 529. (With Substitute): Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of the City of Mobile.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of any municipality located in Mobile County, and to require that such county with emergency water supplies be an incorporated supplier.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County governing body shall provide for, within six months following passage of this bill, an emergency generator system service which will provide continued water supply and service in the event a natural disaster or an emergency interrupts or alters the regular water service in all county-wide areas located outside the jurisdiction of any municipality located in Mobile County.

Section 2. The provider of such emergency water service shall be incorporated as a public or quasi-public or private corporation under the laws of this state, or operating within this state as a registered corporation.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 41; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, (G), Cooley, Cosby, Drinkard, Edwards, Goodwin, Hall, Hammett, Harper (O), Harper (T), Hines, Johnson (R. G.), Manley, Minus, Olive, Owens, Pegues, Penry, Rains, Ray, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Williams, Wyatt and Zoghby.

—41

Nay:

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 529. Relating to Mobile County; requiring the county governing body to maintain an emergency generator system which will provide continued water services during natural disasters or emergencies in all county-wide areas outside the jurisdiction of any municipality located in Mobile County, and to require that such county with emergency water supplies be an incorporated supplier.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Drinkard, Edwards, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Laird, McKee, Manley, Minus, Naramore, Olive, Owens, Pegues, Rains, Ray, Sandusky, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Williams, Wyatt and Zoghby.

—44

Nay: Rep. Parker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 656. Relating to Mobile County: To provide for funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 2.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Dial, Drinkard, Edwards, Gilmer, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kelley, Laird, Manley, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Sandusky, Smith (J), Smith (M), Stewart, Trammell, Tucker, Venable, Ward, Williams, Wyatt and Zoghby.

—45

Nays: Reps.: Blake and Rains.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 657. Relating to Mobile County: To provide for funds for the general funds of the several incorporated municipalities in Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to allow for the automatic increase of such funds; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Laird, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Penry, Ray, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—50

Nay: Rep. McKee

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 658. To repeal Act No. 544, S. 602, approved September 7, 1967, Regular Session 1967 (Acts 1967, p. 1294), entitled "An Act To provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census requiring contributions by Mobile County to the Mobile County Board of Health."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Drinkard, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Laird, McMillan, Manley, Moore, Olive, Owens, Parker, Pegues, Penry, Ray, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 659. To repeal Act No. 751, S. 599, approved September 8, 1967, Regular Session 1967 (Acts 1967, p. 1606), entitled "An Act to provide further for funds for the maintenance and operation of a county health department under direction of a county health officer in all counties having populations of not less then 300,000 nor more than 500,000, according to the most recent federal decennial census; requiring contributions by incorporated municipalities in such counties."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Drinkard, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Laird, McKee, McMillan, Manley, Moore, Naramore, Olive, Parker, Pegues, Penry, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Williams, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Drinkard, Gafford, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harper (T), Holley, Horn, Johnson (R. G.), McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 65. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 18.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Grouby, Hammett, Harper (O), Holley, Johnson (Roy),

Kelley, Laird, McKee, McMillan, Manley, Minus, Olive, Pegues, Penry, Ray, Sasser, Shavers, Smith (C), Smith (M), Stewart, Venable Waggoner, Ward, Warren, Wyatt and Zoghby.

—45

Nays:

Reps.: Buskey, Carothers, Cheatwood, Clark (W), Coburn, Gregg, Hall, Horn, Howard, Kennedy, Letson, Moore, Patton, Payne, Rains, Riddick, Roberts and Stout.

—18

And the bill:

H. 59. To provide that members of the national guard while on state active duty shall be possessed with the same legal authority as a deputy sheriff, including but not limited to all law enforcement powers including powers of arrest.

Was taken up.

SUBSTITUTE OFFERED

Rep. Barton offered the following substitute to the bill, H. 59.

A BILL TO BE ENTITLED AN ACT

To provide that members of the national guard while on emergency state active duty shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest.

Be It Enacted by the Legislature of Alabama:

Section 1. When the national guard is duly and lawfully placed on emergency state active duty, or otherwise called into active service of the state under authority of law, members of the national guard shall have the status, duties, powers and authority of other state law enforcement officers in the county or counties in which they are serving, including but not limited to all law enforcement powers including powers of arrest.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 6.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carter, Cates, Clark (G), Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Grimsley, Hall, Hammett, Harper (O), Hines, Johnson (R. G.), Laird, Lewis, Manley, Minus, Moore, Olive, Owens, Payne, Pegues, Riddick, Sasser, Shoemaker, Trammell, Venable, Ward, Warren, Whatley and Wyatt.

—42

Nays:

Reps.: Cheatwood, Hilliard, Howard, Johnson (Roy), Kelley and Rains.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 59 as amended:

Amend Substitute to House Bill 59, Page 1, line 21 after the word "duty" by striking the word shall and inserting in lieu thereof the word may;

Further amend Substitute to House Bill 59, Section 1, line 29 after the word "guard" by striking the word shall and inserting may;

Further amend Substitute to House Bill 59 by adding new Section 2 and renumbering subsequent sections.

Section 2. Any commander of a battalion size unit or larger may by appropriate order designate those guardsmen who shall have the power authorized by this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 3.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Howard, Johnson (R. G.), Kennedy (Y), Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Shoemaker, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—63

Nays: Reps.: Lewis, Patton and Rains.

—3

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 59 as amended:

Amend House Bill 59, in the Title, Line 20 after the word "that" by striking members and inserting in lieu thereof certain officers.

Further amend the bill, Section 1, line 29 after the word "members" by inserting with the rank of lieutenant or above.

AMENDMENT TABLED

On motion of Rep. Cates, the amendment offered by Rep. Albright to the bill, H. 59 as amended, was tabled.

Yeas 47; Nays 16.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Olive, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Warren and Whatley.

—47

Nays:

Reps.: Albright, Brakefield, Cheatwood, Goodwin, Greer, Gregg, Hall, Hilliard, Horn, Howard, Lewis, Payne, Rains, Smith (C), Turnham and Wyatt.

—16

And the bill:

H. 59. To provide that members of the national guard while on emergency state active duty may be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 26.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Edwards, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Olive, Owens, Penry, Ray, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—46

Nays:

Reps.: Albright, Brakefield, Buskey, Carothers, Cheatwood, Coburn, Cooley, Greer, Gregg, Grimsley, Hall, Hilliard, Horn, Howard, Lewis, Moore, Patton, Payne, Pegues, Rains, Roberts, Smith (C), Stout, Trammell, Tucker and Turnham.

—26

RESOLUTIONS

The following resolutions were introduced:

By Reps. Bennett Drinkard and Dixon:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

WHEREAS, the public schools are available to all children and youth and are mandated by state government for the purpose of meeting these needs; and

WHEREAS, the public and the State Legislature are not content with merely providing schools but, far more importantly, are concerned with the quality of the programs the schools offer; and

WHEREAS, the public and the State Legislature recognize that the effectiveness of the classroom teachers is the single most important factor in assuring that the public schools conduct quality educational programs for the students and achieve their objectives; and

WHEREAS, it is obvious that teachers must have mastery of the subject matter in the field in which they teach if they are to be judged competent and be able to perform effectively in the classroom for the benefit of the students for whom they are responsible; and

WHEREAS, the State Legislature has a deep and abiding concern that every teacher employed in the public schools of this state be provided the maximum opportunity through their formal professional training to achieve mastery of the subject matter in the field in which they are employed to teach; and

WHEREAS, the issue of allowing teachers the option to take graduate level classwork completely in subject area has been widely championed by Mrs. Barbara Murphy, a Homewood High School chemistry teacher; and

WHEREAS, methodology courses are more a part of the under-graduate teacher training program than those at the Master's level where advanced subject area should rightfully be expressed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our strong desire that the State Board of Education move immediately to consider providing teachers the option of completing graduate work leading to a Master's degree or beyond in their teaching field and be certified and be paid accordingly.

MOTION TO SUSPEND RULES AND ADOPT LOST

Rep. Bennett offered the motion to suspend the rules and adopt the resolution, H. J. R. 144, and the motion was lost, lacking a four-fifths vote.

Yeas 54; Nays 15.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Hammett, Harper (T), Hilliard, Hines, Howard, Johnson (R. G.), Kelley, Kennedy, Lewis, McKee, Manley, Minus, Naramore, Olive, Patton, Payne, Pegues, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner and Zoghby.

—54

Nays:

Reps.: Albright, Carothers, Ford, Greer, Gregg, Grimsley, Hall, Holley, Horn, Letson, Rains, Reed, Turnham, Warren and Williams.

—15

The resolution, H. J. R. 144, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Bennett, Drinkard and Dixon:

H. R. 145. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

WHEREAS, the public schools are available to all children and youth and are mandated by state government for the purpose of meeting these needs; and

WHEREAS, the public and the State Legislature are not content with merely providing schools but, far more importantly, are concerned with the quality of the programs the schools offer; and

WHEREAS, the public and the State Legislature recognize that the effectiveness of the classroom teachers is the single most important factor in assuring that the public schools conduct quality educational programs for the students and achieve their objectives; and

WHEREAS, it is obvious that teachers must have mastery of the subject matter in the field in which they teach if they are to be judged competent and be able to perform effectively in the classroom for the benefit of the students for whom they are responsible; and

WHEREAS, the State Legislature has a deep and abiding concern that every teacher employed in the public schools of this state be provided the maximum opportunity through their formal professional training to achieve mastery of the subject matter in the field in which they are employed to teach; and

WHEREAS, the issue of allowing teachers the option to take graduate level classwork completely in subject area has been widely championed by Mrs. Barbara Murphy, a Homewood High School chemistry teacher; and

WHEREAS, methodology courses are more a part of the under-graduate teacher training program than those at the Master's level where advanced subject area should rightfully be expressed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our strong desire that the State Board of Education move immediately to consider providing teachers the option of completing graduate work leading to a Master's degree or beyond in their teaching field and be certified and be paid accordingly.

The resolution, H. R. 145, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hilliard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 146. MOURNING THE DEATH OF MR. JOHN H. HOLMES, FATHER OF REPRESENTATIVE ALVIN HOLMES.

BILLS ON THIRD READING RESUMED

And the bill:

H. 166. (With Amendment): To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court holding at Mobile County.

Was taken up.

H. 166 POSTPONED

On motion of Rep. Buskey, the bill, H. 166 with pending amendment, was postponed to the nineteenth legislative day.

And the bill:

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cosby, Drinkard, Ford, Greer, Hammett, Harper (O), Harper (T), Horn, Kennedy, Manley, Naramore, Olive, Parker, Penry, Smith (J), Stewart, Turner, Wyatt and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Greer, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, McKee, Manley, Naramore, Olive, Owens, Parker, Patton, Reed, Shavers, Smith (J), Stewart, Venable, Wyatt and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Reps. Sasser and Williams:

H. J. R. 147. NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

WHEREAS, in its desire to recognize outstanding service to others by our citizens, the Alabama Legislature has noted the many contributions of Mr. Creel Richardson in the field of education to his community of Ariton, Dale County and other areas of our state as well; and

WHEREAS, a native of the Arguta Community in Dale County, Mr. Richardson is a graduate of Barbour County High School, the University of Alabama with a B. A. Degree, and of Trinity College in Connecticut where he earned his Master's Degree; he also studied at Columbia University through a three-year Research Fellowship in History; and

WHEREAS, Mr. Richardson served as school administrator and teacher for some 41 years, thirty of which were in Dale County and included a tenure as Superintendent of the Dale County Schools; and

WHEREAS, his professional affiliations have included membership in N.E.A., A.E.A., the Dale County Teachers Association, the Parent-Teacher Association and the Dale County, Alabama and American Historical Associations; as a retired educator, he now belongs to the Dale County, Alabama and National Retired Teachers Associations and the American Association of Retired Persons; and

WHEREAS, Mr. Richardson further is Chairman and Legislative Representative of the Alabama Joint State Legislative Committee, representing the National Retired Teachers Association and the American Association of Retired Persons which selected him to attend a 1976 session of the National Legislative Council; and

WHEREAS, he is a member, moderator and Sunday School teacher of the Ariton Baptist Church and was a member of the Dale County Bicentennial Commission and of Governor George Wallace's Advisory Council for the Alabama Commission on Aging; he currently is engaged in research for a history of Dale County and two biographies which is authoring; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That assenting with the desire of the Dale County Board of Education to honor Mr. Creel Richardson, we hereby name and designate the new Elementary School Building at Ariton in Dale County, Alabama, as the "Creel Richardson Elementary Addition."

BE IT FURTHER RESOLVED, That authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "Creel Richardson Elementary Addition."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Richardson in token of our esteem and as a memento of this honorary designation.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 147, was adopted.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 593, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 27th day of March, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which is originated, House Bill Number 593 without my signature and approval and with the following suggested Executive Amendments.

In the Title, Page 1, Line 21, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

In Section 1, Page 1, Lines 30 and 31, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

In Section 1, Page 2, Line 6 following the word "system," delete the words "to be provided by the Alabama Criminal Justice Information Center" which words were added by the Amendment to House Bill 593, and insert in lieu thereof the words "to be developed by the Department of Pensions and Security with the technical assistance and advice of the Alabama Criminal Justice Information Center,".

On Page 2, Section 2, Line 8, delete the words "Pensions and Security agency" and insert in lieu thereof the words "Department of Pensions and Security".

Following Section 4 on Line 19, add a new Section 5 as follows:

"Section 5. The provisions of this Act shall become operational and shall be implemented no later than January 1, 1981."

Renumber the remaining section accordingly.

In Section 5, Line 19, following the word "effective" delete the words "January 1, 1981" and insert in lieu thereof the word "immediately".

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the amendment proposed by His Excellency, the Governor to the bill, H. 593, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 74: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—74

And the bill:

H. 593. To provide for the Pensions and Security agency to issue to all eligible recipients a special color picture identification card separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—76

BILLS ON THIRD READING RESUMED

And the bill:

H. 1. (With Amendment): To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama;

to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distributions systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws

contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Was taken up.

H. 1 POSTPONED

On motion of Rep. Carothers, the bill, H. 1 with pending amendment, was postponed to the eighteenth legislative day.

And the bill:

H. 276. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Blake, Bowling, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—66

And the bill:

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Barton, Blake, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Waggoner, Ward, Whatley, Wyatt, and Zoghby.

—50

Nays:

Reps.: Albright, Bennett, Carter, Clark (G), Hall, Johnson (Roy), Stewart and Trammell.

—8

RESOLUTION

The following resolution was introduced:

By Reps. Zoghby, Parker, Kennedy, Busky, Clark (W), Harper (T), Bedsole, McMillan, Sandusky, Stewart, Turner and McCorquodale:

H. J. R. 148. ENCOURAGING CONTINUED AND INCREASED USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

WHEREAS, the Alabama State Docks System is of inordinate economic benefit not only to our coastal area but to the entire State of Alabama as well; and

WHEREAS, monies received through fees and charges for use of Alabama's port facilities total millions of dollars annually, and these receipts are used to maintain, improve and foster growth of an industry vital to our state's economic stability; and

WHEREAS, continued growth of the State Docks System is dependent in large part upon increased usage by domestic business and industry in the State of Alabama; income derived from operation of the docks is money that is spent in Alabama, remains in Alabama, and is an investment in the future of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body, in unity, does hereby encourage those businesses and industry in Alabama which use port facilities to continue giving first consideration to the Alabama State Docks System.

BE IT FURTHER RESOLVED, That officials of all Alabama municipalities and counties give their support to this resolution through encouraging use of the State Docks System by business and industry domiciled in their respective locales.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Development Office that it may be circulated, statewide, through publication in an issue of ADO's monthly bulletin.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 148, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

Was taken up.

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 319:

Page 2, line 35, add paragraph (k)

(k) CHURCH SCHOOL. A school operated by a local church, group of churches, denomination, and/or association of churches on a nonprofit basis.

Page 3, line 23, between comma and or, add words: and/

Page 5, line 33, amend to read:

An exemption pursuant to section 16-46-3 shall not be construed to constitute approval or endorsement by the state of Alabama for any purpose.

H. 319 POSTPONED

On motion of Rep. Sasser, the bill, H. 319 with pending amendment, was temporarily postponed.

MOTION TO RECESS LOST

The motion offered by Rep. Whatley that the House recess at 12:00 o'clock noon for one and one-half hours, was lost.

Yeas 23; Nays 48.

Yeas:

Reps.: Buskey, Carothers, Clark (G), Clark (W), Cooley, Crow, Dixon, Edwards, Grimsley, Grouby, Hammett, Kennedy, Laird, Letson, McKee, Naramore, Patton, Rains, Trammell, Turner, Whatley, Williams and Zoghby.

—23

Nays:

Reps.: Adams (C), Albright, Barton, Bedsole, Blake, Brakefield, Cabaniss, Campbell, Carter, Cosby, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (O), Harper (T), Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McMillan, Manley, Minus, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Warren and Wyatt.

—48

BILLS ON THIRD READING RESUMED

And the bill:

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Was taken up.

H. 332 POSTPONED

On motion of Rep. Riddick, the bill, H. 332, was postponed to the eighteenth legislative day.

And the bill:

H. 355 (With Amendments): To provide that any annually appropriated funds allocated to local boards of education and institutions of higher learning may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 355 on line 17 of the title after the word "item" by adding the following:

, with the exception of money allocated for teacher units from state appropriation

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Howard, Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Roberts, Sandusky, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Waggoner, Ward, Warren, Whatley and Williams.

—62

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 355 on line 26 by adding the following at the end of Section 1:

However, each board of education that makes such a fund transfer shall spread upon the minutes of said board a statement as to why such transfer is made and give exact amount of money transferred.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Johnson (Roy), Kelley,

Kennedy, Laird, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Sandusky, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Waggoner, Ward, Williams and Zoghby.

—55

H. 355 POSTPONED

On motion of Rep. Cates, the bill, H. 355 as amended, was postponed to the eighteenth legislative day.

And the bill:

H. 420. To amend Section 40-22-1 of the Code of Alabama 1975, which section relates to the recordation of deeds, bills of sale and instruments of other like character so as to exempt from the payment of deed taxes certain conveyances of real property made between one or more persons to themselves for the purpose of creating a right of survivorship.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67: Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Whatley and Williams.

—67

And the bill:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy) to indefinitely postpone the bill, H. 320, was lost.

Yeas 21; Nays 54.

Yeas:

Reps.: Blake, Bowling, Buskey, Cates, Clark (W), Daniels, Gilmer, Goodwin, Greer, Grouby, Harper (O), Holley, Howard, Johnson (Roy), Kennedy, Naramore, Penry, Rains, Stewart, Warren and Wyatt.

—21

Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gregg, Grimsley, Hall, Hammett, Harper (T), Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Minus, Moore, Olive, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Whatley, Williams and Zoghby.

—54

CO-SPONSOR ADDED

Rep. Cosby was added as co-sponsor to the bill, H. 320.

AMENDMENT OFFERED

Rep. Smith (J) offered the following amendment to the bill, H. 320:

Amend House Bill No. 320, in Section 1, Page 2 on Line 19, by adding the following after the word General:

“for appointment in the Office of the Attorney General”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Minus, Moore, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—63

Nays: Reps.: Bowling, Grouby, Johnson (Roy), Naramore and Penry. —5

And the bill, H. 320 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Goodwin, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—61

Nays:

Reps.: Blake, Bowling, Buskey, Cates, Clark (W), Daniels, Gilmer, Greer, Grouby, Holley, Johnson (Roy), Naramore, Penry, Rains, Stewart, Warren and Wyatt.

—17

And the bill:

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 10.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harper (T), Kennedy, Laird, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Waggoner, Wyatt and Zoghby.

—59

Nays:

Reps.: Edwards, Grimsley, Horn, Johnson (Roy), Kelley, Payne, Rains, Stout, Warren and Williams.

—10

And the bill:

H. 155. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—78

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 155.

And the bill:

H. 156. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—75

And the bill:

H. 157. A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

Was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 157:

A BILL
TO BE ENTITLED
AN ACT

A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act,

(1) The term "Sale or Distribution" includes the act of leasing, renting or consigning;

(2) The term "Goods" includes any personal property, real property, or any combination thereof;

(3) The term "Other Property" includes a franchise, license distributorship; or other similar right, privilege, or interest; and

(4) The term "Pyramid Sales Scheme" means any arrangement, plan, device, program, or other means whereby a participant, in consideration of a payment of valuable consideration, goods, services or any other tangible or intangible property or right: (a) is granted the right to recruit one or more additional participants of the same or another class whether or not the number of participants of any class is limited in any manner and (b) there is a reasonable probability that compensation, earnings, or other pecuniary benefit will be derived by a participant primarily from the recruitment of one or more additional participants rather than from the sale of goods, services or other tangible property by such participants and others recruited by him.

Section 2. Whoever, in connection with the sale or distribution of goods, services, or other property, sells or offers or attempts to sell a participation or the right to participate in a pyramid sales scheme shall be, upon conviction, guilty of a Class C Felony.

Section 3. Any contract made in violation of Section 2 of this Act is void and any person who induces another person to participate in a pyramid sales scheme shall be liable to that person in an amount equal to the sum of:

(1) Twice the amount of consideration paid; and

(2) In the case of any successful action to enforce such liability, the costs of the action together with a reasonable attorney's fee as determined by the Court.

Any action under this section may be brought in any Circuit Court within one year from the date on which such consideration was paid.

Section 4. Whenever it appears that any person is engaged or is about to engage in any act or practice which constitutes a pyramid sales scheme, the Attorney General of this State or the district attorney may bring an action in any Circuit Court within the State to enjoin such act or practice, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

And the bill, H. 157 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—75

And the bill:

H. 158. (With Substitute) (With Amendment): To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage or title or bill of sale; and to provide penalties for violation.

Was taken up.

H. 158 POSTPONED

On motion of Rep. Manley, the bill, H. 158 with pending substitute and amendment, was postponed to the eighteenth legislative day.

And the bill:

H. 439. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—63

And the bill:

H. 438. To amend Sections 32-7-2, 32-7-3, 32-7-5, 32-7-6, 32-7-22 and 32-7-27, Code of Alabama 1975, known as the Motor Vehicle Safety Responsibility Act, to change the definition of proof of financial responsibility, the time required for the director to answer an appeal, the amount of property damages sustained before a report is required, extend the amount of time before the director must suspend license and registrations, increase the maximum amount of liability required under a motor vehicle liability policy, and increase the amount of money required as proof of financial responsibility.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Reps.: Albright, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

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ADJOURNMENT

On motion of Rep. Clark (G) and pursuant to the resolution, H. R.138, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 1, 1980.

Yeas 49; Nays 22.

Yeas:

Reps.: Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Hilliard, Hines, Horn, Johnson (Roy), Kelley, Kennedy, Laird, McMillan, Manley, Minus, Olive, Pegues, Penry, Roberts, Sandusky, Shavers, Smith (M), Starkey, Stout, Tucker, Warren, Whatley, Williams and Zoghby.

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Nays:

Reps.: Albright, Amari, Bedsole, Carothers, Hall, Hammett, Harper (T), Howard, Johnson (R. G.), Lewis, McKee, Naramore, Patton, Payne, Rains, Ray, Riddick, Stewart, Venable, Waggoner, Ward and Wyatt.

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EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 1, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bo Childs, Pastor, Parkway Baptist Church, Auburn, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 149. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, April 1, 1980, we adjourn to meet again on Thursday, April 3, 1980, at 9:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 149, was adopted.

Also:

By Rules Committee:

H. R. 150. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 1, 1980, taking precedence over any other business of the House.

Report of Standing Committee

Commendation and Sympathy Resolutions

Introduction of Bills

Uncontested Local Bills

Unfinished Business

By Rep. Sandusky:

H. 82 p. 29. Table wine.

By Rep. Bedsole:

H. 356 p. 28. Tame turkeys.

By Rep. Ward, etal:

H. 496 p. 34. Solid waste.

By Mr. St. John:

S. 306 p. 86. Investments in subsidiaries.

By Rep. Willis:

H. 412 p. 32. Single family residences, percolation tests.

By Rep. Hines:

H. 628 p. 84. Rename Board of Corrections to Department of Corrections.

By Rep. Riddick:

H. 478 p. 58. Alabama public school systems, city and county boards.

By Rep. Adams (C):

H. 776 p. 20S. Municipal elections.

By Rep. Dixon:

H. 151 p. 24. State Parent Locator's Office.

By Mr. Keener:

S. 317 p. 77. Worthless checks.

By Rep. Adams (C):

H. 204 p. 59. County Commission meeting days.

By Rep. Smith (M):

H. 577 p. 71. Capitol security police officers, unattended automobiles.

By Rep. Bedsole:

H. 42 p. 19S. Non resident aliens to report owned or leased land.

By Rep. Lewis:

H. 384 p. 69. Issuance of motor vehicle license plates.

By Rep. Sasser:

H. 198 p. 74. Alcohol manufactured for use in internal combustion engines.

By Rep. Drinkard:

H. 768 p. 16S. State banking corporations.

By Rep. Grouby:

H. 164 p. 76. Re-open Employees' Retirement System of Alabama.

By Rep. Owens:

H. 432 p. 44. Civil Air Patrol vehicles.

By Rep. Smith (C):

H. 669 p. 88. Minimum of 75 days to constitute the first four scholastic months.

By Rep. Adams (C):

H. 460 p. 39. Savings and Loan associations, rate of interest.

By Rep. Cates:

H. 355 p. 16. School boards to transfer within line items.

By Rep. Riddick:

H. 421 p. 75. Circuit and District courts, fees of service of process.

By Rep. Smith (J):

H. 509 p. 65. Relating to parole and eligibility of certain inmates.

By Rep. Payne:

H. 261 p. 42. Salaries of Chief and Assistant Chief Examiner of Public Accounts.

By Rep. Kelley:

H. 558 p. 66. Ala. Housing Finance Authority.

By Rep. Sasser:

H. 201 p. 19. Jury strike system.

By Rep. Sasser:

H. 202 p. 20. Jury strike system.

By Rep. Lewis:

H. 4 p. 51. Public housing accommodations.

By Rep. Smith:

H. 671 p. 17S. Soybean promotion.

By Rep. Carothers

H. 586 p. 69. Auctioneers, licensing.

By Rep. McKee:

H. 170 p. 42. State nurseries, forest tree seed and seedlings.

By Rep. Adams (C):

H. 701 p. 80. Federal Aid Highway Finance Authority.

By Rep. Adams (C):

H. 702 p. 81. Equipment Replacement Surplus Reserve Account or Fund.

By Rep. Payne:

H. 505 p. 73. Competitive bidding, medical clinics.

By Rep. Smith (C):

H. 457 p. 32. Executing and service of process, by mail.

On motion of Rep. Pegues, the resolution, H. R. 150, was adopted.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 630. (With Amendments): To create a Department of Environmental Services to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Environmental Services to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create

the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act.

To repeal all laws or parts of laws which conflict with this Act.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 713. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

H. 822. Relating to the office of sheriff and Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 340. (With Substitute) (With Amendments): To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 of any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

H. 462. Relating to Jefferson County; to allow motor vehicle dealers, firms or wrecker or repair services that have abandoned motor vehicles on their property, to effectuate a public auction of such vehicles by advertising such vehicles in compliance with the notice of sale requirements of Code Section 32-13-4 and showing proof thereof to the judge of probate.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

RESOLUTIONS

The following resolution was introduced:

By Reps. Dixon, McKee, Zoghby, Hammett and McCorquodale:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, the Legislature of Alabama is itself honored to pay tribute to His Royal Highness, Prince Khaled bin Sultan bin Abdulaziz of Saudi Arabia, currently a guest in residence of Montgomery and the State of Alabama; and

WHEREAS, Prince Khaled, who is in our country to attend the militarily prestigious Air War College at Maxwell Air Force Base, is also enrolled in the Political Science Master's Program at our own Auburn University in Montgomery; and

WHEREAS, since his arrival, the Prince has most freely and generously extended his friendship not only to the American people in general, but most particularly to the citizens of Alabama and to the members of the Alabama Legislature, a kindness for which we do indeed express sincere and deep gratitude; and

WHEREAS, in recognition of the leadership role that Prince Khaled plays in today's complex world, we are further most grateful for his pro-American influence in the entire Middle Eastern Region; and

Whereas, it is also with sincerity that we look upon Prince Khaled as ambassador nonpareil, singular in his exemplary representation of the people of Saudi Arabia whom we value as trusted allies and genuine friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in warm and continuing welcome as our guest in Alabama, we hereby express highest regard for Prince Khaled bin Sultan bin Abdulaziz; we extend to him a cordial invitation to address the Alabama House of Representatives at his earliest convenience and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That His Royal Highness receive a copy of this resolution as evidence of our esteem, in appreciation for his friendship and as an expression of our delight in having him with us in Alabama; it is our further desire that a copy also be sent to His Majesty, King Khalid of Saudi Arabia.

On motion of Rep. Dixon, the rules were suspended and the resolution, H. J. R. 151, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McKee:

H. R. 152. COMMENDING MR. IVO W. LIVINGSTON FOR EXTRAORDINARY COURAGE IN ADVERSITY.

Also:

The following resolution was introduced:

By Rep. Harvey:

H. R. 153. DESIGNATING THE BOXER AS THE OFFICIAL DOG FOR THE STATE OF ALABAMA.

WHEREAS, the Boxer's breeding dates from the end of the nineteenth century and its appearance from the middle of the same century, a result of selection cross breeding between a dog known in Bavaria as the "Bullenheiser" and the English Bulldog; and

WHEREAS, quite satisfactorily effected was a breed which successfully combined elegance and character with great courage, intelligence and power; and

WHEREAS, the Boxer is considered by many to be the ideal dog not only for defense and as a guard dog, but also for its loyal and lasting companionship; and

WHEREAS, it is to be noted that many of the characteristics of the Boxer are those qualities to be much admired in man, such attributes as character, loyalty and courage which should well be emulated by all who seek to achieve the high regard of their fellowmen; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Boxer is hereby designated, and shall forever be known, as the official dog of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Darren Brown of Oneonta, Alabama, whose request was the moving force for the above proposed designation.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Harvey offered the motion to suspend the rules and adopt the resolution, H. R. 153.

DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Harvey to suspend the rules in order to take up for immediate consideration the resolution, H. R. 153, and the motion was lost.

Yeas 0; Nays 41.

Nays:

Reps.: Adams (C), Albright, Barton, Bennett, Biddle, Brakefield, Buskey, Carter, Clark (W), Coburn, Cosby, Dial, Edwards, Gafford, Gilmer, Grimsley, Hall, Hammett, Harvey, Holley, Howard, Kennedy, Langford, Letson, Manley, Olive, Owens, Patton, Payne, Pegues, Rains, Sasser, Shavers, Smith (C), Smith (M), Stewart, Tucker, Turner, Turnham, Venable and Willis.

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The resolution, H. R. 153, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Turner (With Notice and Proof):

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 832, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 833. Relating to Mobile County; prohibiting the hunting of un-antlered deer.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 833, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.), (With Notice and Proof):

H. 834. To provide that no municipality whose corporation limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.):

H. 835. To prescribe the minimum pay of career state troopers with fifteen (15) years or more service as a state trooper with the department of public safety to be not less than eighty percent (80%) of the pay of district judges of the State of Alabama.

Ways and Means.

By Rep. Sandusky:

H. 836. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status; and establishing the magistrates' supernumerary fund.

Ways and Means.

By Reps. Patton and Roberts (With Notice and Proof):

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 837, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 838. To authorize the incorporation with respect to the several municipalities in this state of non-profit public corporations for the purpose of promoting industrial, commercial, manufacturing, financial, professional, recreational, educational or research projects; to provide the method of organizing such corporations and the management thereof; to specify the powers of such corporations; to authorize such corporations to issue bonds payable solely from the revenues derived from the sale of such projects and to secure such bonds by the assignment and pledge of such revenues; to authorize the refunding of any such bonds; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default in such bonds; to provide that such municipalities shall not be liable for any obligations or agreements of such corporations; to provide for the disposition of any earnings of the corporation; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipalities with respect to which they are organized; to provide for the filing of the certificates of incorporation, deeds or sales agreements to or from such corporations, trust indenture and certificates of dissolution without the payment of any taxes; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide that there shall be no restriction on municipal or public corporate powers; to require filings with the Alabama Securities Commission; to provide that the corporations, properties owned by them and the income therefrom and all bonds issued by them and the income therefrom shall be exempt from taxation; and to provide for severability.

State Administration.

REGULAR SESSION
18th Day

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By Reps. Sasser, Ray, Grimsley and Wyatley (With Notice and Proof):

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 839, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (C) (With Notice and Proof):

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 840, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (C) (With Notice and Proof):

H. 841. Relating to Phenix City; to amend section 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 842, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 843. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Banking.

By Reps. Clark (G) and Manley:

H. 844. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

Judiciary.

By Rep. Daniels:

H. 845. To amend Section 40-12-4 of the Code of Alabama 1975, relating to the authority of the county governing body of each of the several counties in this state to levy and provide for the assessment and collection of franchise, excise, and privilege license taxes in such counties for public school purposes, so as to provide that in all counties having an incorporated municipality in which the general supervision of public schools is vested in a city board of education, said incorporated municipality may, at the discretion of the county governing body, be excluded from the imposition of any such levy and similarly, shall be excluded from the distribution of the proceeds therefrom.

Local Government.

By Reps. Naramore, Hall, Coburn, Jackson, Carter, Boles, Bennett, Sandusky, Lewis, Smith (C), Kelley, Patton, Brakefield, Smith (J), Goodwin, Moore, Olive, Horn, Cheatwood, Smith (M), Shoemaker, Blake, Roberts, Bowling, Clark (G), Owens, Waggoner, Campbell, Sasser, Gafford, Venable, Holley, Cosby, Edwards, Daniels, Stewart, Buskey, Clark (W), Kennedy, Harper (T), Parker, Carothers, Williams, Grimsley, Ward, Ray, Laird, Whatley, Harper (O), Crow, Johnson (R. G.), Cooley, Letson, Ford, Drinkard and Tucker:

H. 846. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Ways and Means.

By Reps. Roberts and Patton (With Notice and Proof):

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 847, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kelley and Rains (With Notice and Proof):

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limit and also certain other territory contiguous thereto, in Marshall County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 848, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner, Gafford, Cabaniss, Bedsole and Roberts:

H. 849. To grant to an employee immunity from suit by another employee of the same employer for injury, or disease arising out of and in the course of employment by the same employer, unless such employee has filed an election to waive such immunity and to retain the right to maintain such a suit.

State Administration.

By Reps. Waggoner, Gafford, Cabaniss, Bedsole and Roberts:

H. 850. Proposing an amendment to the Constitution of Alabama relating to the prohibition of local action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Barton (With Notice and Proof):

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such pleas shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton (With Notice and Proof):

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared

indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton (With Notice and Proof):

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 853, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton (With Notice and Proof):

H. 854. Relating to Tuscaloosa County; establishing a county judicial commission for the purpose of nominating persons for appointment to vacancies in the office of judge of circuit court.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 854, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow and Campbell (With Notice and Proof):

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 856. To amend Section 41-14-2 of the Code of Alabama 1975, relating to the deposit of securities and bonds, so as to include revenue bonds of the state of Alabama in the required sixty percent of the first \$10,000 principal amount for deposit.

Banking.

By Rep. Zoghby (With Notice and Proof):

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell (With Notice and Proof):

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien of said property; and to provide a method of collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 858, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expenses of juror and criminal witness parking.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ford, Dial, Adams (H), Drinkard, Cooley, Harvey, Stout, Turner, Letson, Roberts, Patton, Shavers, Payne, Rains, Whatley, Kelley, Pegues, Dixon, Riddick, Sasser, Bennett, Warren, Stewart, McKee, Owens, Crow, Willis, Minus, Cosby, Shoemaker, Johnson (R. G.), Manley, Harper (O), Blake, Adams (C), Johnson (Roy), Laird, Grimsley, Ward, Carothers, Campbell, McCorquodale, Penry, Zoghby, McMillan, Venable, Cates, Ray, Langford, Hammett, Williams, Hines, Daniels, Buskey, Clark (W), Harper (T), Kennedy, Parker, Edwards, Gafford, Albright, Holley, Naramore, Carter, Smith (J), Brakefield, Smith (M), Sandusky, Goodwin, Coburn, Starkey, Gilmer, Biddle, Moore, Trammell, Olive, Hilliard, Horn, Waggoner, Howard and Bowling:

H. 861. To provide for the issuance of distinctive license plates to recipients of the Medal of Honor.

Military Affairs.

By Reps. Johnson (R. G.), Shoemaker, Blake and Harper (O):

H. 862. To raise revenue; to levy an excise tax on the sale of all forms of advertising space or time, except outdoor advertising; to provide for the collection and disposition of such funds; to impose certain duties and responsibilities and to confer certain powers on the department of revenue; and to provide for penalties for violations.

Ways and Means.

By Reps. Patton and Payne:

H. 863. To amend Section 44-1-21, Code of Alabama 1975 by adding a provision for police officers for state youth service facilities.

Judiciary.

By Reps. Manley and Clark (G):

H. 864. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Judiciary.

By Reps. Manley, Clark (G), Campbell, Dial, Ford, Shoemaker, Cosby and Adams (H):

H. 865. To provide that the Physician For The Day Program be exempted from the provisions of §§ 36-25-1 through 36-25-30 of the Code of Alabama, 1975; to provide that this exemption shall include physicians physically present at the Capitol as well as physicians to whom legislators are referred; and, to provide that the physician for the day or anyone administering the Physician For The Day Program shall have the right and authority to utilize the State Telephone Network.

Judiciary.

By Reps. Cabaniss and Campbell:

H. 866. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 8,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of expenses of same; to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections; and to further provide authority for the sale of alcoholic beverages in state parks in dry counties under the supervision of the Alabama alcoholic beverage control board pursuant to Chapter 3 of Title 28, Code of Alabama 1975.

Judiciary.

By Rep. Gafford:

H. 867. To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an administration fee; and to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

Banking.

By Reps. Hines and Harper (T):

H. 868. To regulate the deductions from penitentiary and hard labor sentences for earned good behavior by amending Sections 14-9-1 and 14-9-2, Code of Alabama 1975; to amend Section 15-22-28, Code of Alabama 1975, so as to prescribe further minimum sentences to be served prior to eligibility for parole; to grant deduction from sentence to those prisoners sentenced prior to the passage of this Act; and to repeal Sections 14-9-20 through 14-9-25, Code of Alabama 1975.

Judiciary.

By Reps. Langford, Wyatt, Grouby, Dixon and McKee:

H. 869. Proposing an amendment to the Constitution of Alabama relating to the offices of tax assessor and tax collector in Montgomery County and providing for the transfer of the duties relating to the assessment and collection of ad valorem taxes on motor vehicles of said offices to another office.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Ray:

H. 870. To amend the title and Sections 1 and 3 of Act No. 79-676, S. 443 of the Regular Session (Acts 1979, p. 1198) relating to the further regulation of architects and the practice of architecture so as to include professional engineers within such regulation.

State Administration.

By Rep. Smith (J) (With Notice and Proof):

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the county a sum equal to 25% of his or her gross earnings earned while so released.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 871, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 872. Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 872, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Howard, Olive and Horn:

H. 873. To amend section 34-7-11, Code of Alabama 1975, relating to cosmetology fees so as to prescribe further such fees.

State Administration.

RESOLUTION

The following resolution was introduced:

By Rep. Grouby:

H. J. R. 154. MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of James Cleveland Owens in Tucson, Arizona, on March 31, 1980, at the age of 66; and

WHEREAS, a native son, born September 12, 1913, in Oakville, Lawrence County, Alabama, James Cleveland Owens was a 1936 Olympic medalist, the recipient of four gold medals at the games held in Nazi Germany; an extraordinary, even super athlete, Jesse Owens at the age of 22

brought fame and honor to the United States while disproving to the entire world Adolph Hitler's theory of Aryan supremacy and shattering Hitler's hopes of proving such fallacy at the Berlin games; and

WHEREAS, even prior to the Olympics, Jesse Owens had shown his mettle by establishing world records in several events in track and field competition; and

WHEREAS, since 1936, though other athletes have exceeded in number the gold medals won by Jesse Owens, it is awesome to note that four decades were to pass before the last of 11 world records established by Owens were surpassed; and

WHEREAS, Jesse Owens will long be remembered, not only for his outstanding accomplishments in the world of sports, but primarily for his contributions to the world as an extraordinary human being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep sadness and regret, we extend our most heartfelt sympathy to the family of James Cleveland Owens, a great, and now legendary, American.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Ruth Owens, to their three daughters, and to other family members, that they may know we truly share the sorrow of their great and grievous loss.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 154, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Clark (G), Clark (W), Dial, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Lewis, McKee, McMillan, Manley, Minus, Moore, Narmore, Olive, Payne, Ray, Reed, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Whatley and Williams.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Blake, Bowling, Brakefield, Campbell, Carter, Cates, Clark (G), Clark (W), Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Laird, Langford, Lewis, McKee, Manley, Minus, Olive, Payne, Reed, Sasser, Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward and Williams.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Clark (G), Clark (W), Dial, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Horn, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Parker, Ray, Reed, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Williams and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Laird, Langford, McKee, McMillan, Manley, Minus, Naramore, Olive, Parker, Payne, Ray, Reed, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Williams and Zoghby.

—53

And the bill:

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Edwards, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Horn, Kennedy, Laird, Langford, Manley, Minus, Naramore, Payne, Ray, Reed, Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Williams and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 1.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Clark (W), Cosby, Edwards, Gilmer, Goodwin,

Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Naramore, Olive, Owens, Parker, Payne, Ray, Reed, Sasser, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Wyatt and Zoghby.

—47

Nay: Rep. Barton.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 296. (With Amendment): To provide for the election and necessary residence of the county superintendent of education in Madison County; to provide for a referendum election in said county to determine if the provisions of this act shall become effective.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

On page 1, Section 3, line 36, after the word "county" insert the following language:

residing in those school districts served by the county board of education and

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Manley, Naramore, Olive, Owens, Payne, Ray, Reed, Riddick, Shavers, Smith (C), Smith (M), Stewart, Trammell, Venable, Ward, Willis, Wyatt and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 296 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 2.

Yeas:

Reps.: Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Drinkard, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Manley, Naramore, Olive, Owens, Parker, Ray, Reed, Shavers, Smith (C), Smith (M), Stewart, Stout, Trammell, Venable, Willis and Wyatt.

—39

Nays: Reps.: Riddick and Smith (J).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Laird, Langford, Letson, Lewis, McKee, Manley, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Willis and Wyatt.

—53

And the bill:

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appointed for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer,

Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Laird, Letson, McKee, Manley, Naramore, Olive, Parker, Patton, Payne, Pegues, Ray, Roberts, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 792. (With Amendment): An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 792, Section 1, page 1, after the words "in the amount of" by striking the following: Eleven Thousand Five Hundred and No/100 (\$11,500.00) and inserting in lieu thereof, the following: Eleven Thousand and No/100 (\$11,000.00)

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas.:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (T), Harvey, Horn, Laird, Lewis, Manley, Naramore, Olive, Owens, Patton, Reed, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 792 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby,

Hall, Hammett, Harper (O), Harper (T), Horn, Laird, Lewis, Manley, Naramore, Olive, Parker, Patton, Reed, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

LEAVE OF ABSENCE

At the request of Rep. Riddick, leave of absence was granted for Rep. Gregg.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Riddick, the rules were suspended in order to take up out of order the bill, H. 663.

And the bill:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter providing by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Laird, Letson, Lewis, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Roberts, Sandusky, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Ward, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation and to abolish existing boards of education

in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dixon, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Letson, Lewis, McKee, Manley, Minus, Olive, Parker, Patton, Payne, Riddick, Roberts, Sandusky, Smith (J), Smith (M), Stewart, Stout, Trammell, Williams, Willis, Wyatt and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Ford, Drinkard and Adams (H):

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

WHEREAS, the Alabama House of Representatives, in pleased concurrence, notes the second consecutive selection of Gadsden State's women's basketball coach, Dr. Larry Lewiski, as Coach of the Year, Northern Division, of the Alabama Junior College Athletic Association; and

WHEREAS, Dr. Lewiski, who has completed three seasons as women's basketball coach, is a graduated of Emma Sansom High School, lettering in football, baseball and basketball, and of the University of Alabama where he was awarded B. S., M. A. and Ed.D. degrees; a former assistant with Gadsden State's men's basketball team, he presently is additionally serving as Director of Women's Athletics for Region XXII of the NJCAA; and

WHEREAS, under Coach Lewiski's direction, Gasden State's Lady Confederates have an overall 50-24 record and have finished second the past two years in state-region play; 18-9 this year in regular season play, his ladies also won the Northern Division, AJCAA Championship; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we congratulate Coach of the Year, Dr. Larry Lewiski of Gadsden State Junior College, and most highly commend him on his outstanding career.

BE IT FURTHER RESOLVED, That Dr. Lewiski be sent a copy of this resolution that he may know of our praise and esteem.

The resolution, H. J. R. 155, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Ford, Drinkard and Adams (H):

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

WHEREAS, Gadsden State's men's basketball coach, Stan Cook, for the second consecutive year, has been accorded the high honor of being selected Coach of the Year for the Northern Division of Alabama Junior College Athletic Association; and

WHEREAS, in just his third year at Gadsden State, Coach Cook has directed his "Confederates" to a phenomenal 70-15 record, overall, with his teams placing third in regional play in 1978 and second in '79; and

WHEREAS, this year, finishing regular season play with a 23-4 record, Cook's Confederates captured the Northern Division Championship of the AJCAA; and

WHEREAS, Coach Cook, a graduate of Union Springs High School where he excelled in all sports, also played basketball and baseball at the University of Alabama from which institution he earned both his B.S. and M.S. degrees; prior to his association with Gadsden State, he taught at the Citadel and was head coach at Alexander City Junior College; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach of the Year, Stan Cook of Gadsden State Junior College, and direct that he receive a copy of this resolution in token of our warm praise and high regard.

The resolution, H. J. R. 156, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Ford:

H. J. R. 157. HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has noted the announced retirement, on May 10, 1980, of Colonel Richard A. Peacock as Chief of Staff, 167th Support Command of the Alabama Army National Guard; and

WHEREAS, Colonel Peacock, a native of Birmingham, Alabama, a graduate of St. Paul's High School and the University of Alabama and an employee of the Alabama Power Company, is a former Special Forces Commander and veteran of the Korean Conflict who has served in numerous assignments with the Alabama Guard; and

WHEREAS, variously he has served as Supply Officer and Executive Officer of the 143d Quartermaster Group, as Assistant Chief of Staff-Security Plans and Operations, 167th Support Brigade, and in his present assignment for the past seven years; and

WHEREAS, Colonel Peacock is a graduate of the Associate Infantry Company Officer's Course at the Infantry School, Fort Benning, Georgia, the Special Warfare School at Fort Bragg, North Carolina, the Quartermaster School at Fort Lee, Virginia, and also of the United States Army Command and General Staff College; and

WHEREAS his military decorations and awards include the Combat Infantryman's Badge, Army Commendation Medal, Korean Service Medal with two Bronze Stars, United Nations Service Medal, National Defense Service Medal, Army Reserve Components Achievement Medal, Armed Forces Reserve Medal, Distinguished Service Medal of Alabama, Veterans Service Medal of Alabama, Faithful Service Medal of Alabama, Phenix City Civil Disturbance Medal of Alabama and the Parachutist Badge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Colonel Richard A. Peacock on his prestigious career with the Alabama Army National Guard and express our deep appreciation for his courageous and dedicated service to our state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Colonel Peacock in token of our warm praise and high regard.

The resolution, H. J. R. 157, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 593. To provide for the Department of Pensions and Security to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

by a majority of the whole number elected to the Senate, said vote being Yeas 20, Nays 0.

And said Bill, H. B. 593, as thus amended by the executive amendment, was again read at length and passed.

by majority of the whole number elected to the Senate, said vote being Yeas 21, Nays 0.

And said Bill, H. B. 593, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 139. SETTING MEETING DAYS FOR REMAINDER OF SESSION.

Also:

H. J. R. 140. PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK."

Also:

H. J. R. 143. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

Also:

H. J. R. 147. NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

Also:

H. J. R. 148. ENCOURAGING CONTINUED AND INCREASING USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

Also:

H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARRIS DRIVE."

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 283. To provide that a legal licensed lending institution may charge and collect an administration fee.

Which was temporarily postponed on the sixteenth legislative day, was read a third time at length and lost.

Yeas 31; Nays 46.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Blake, Cabaniss, Carothers, Carter, Clark (G), Cosby, Drinkard, Ford, Gafford, Greer, Harper (T), Harvey, Holley, Johnson (R. G.), McMillan, Minus, Moore, Owens, Reed, Roberts, Sandusky, Shoemaker, Stewart, Turnham, Waggoner and Zoghby.

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Nays:

Reps.: Adams (C), Bennett, Biddle, Boles, Brakefield, Buskey, Campbell, Cheatwood, Clark (W), Coburn, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Grouby, Hall, Hammett, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Mitchell, Olive, Parker, Payne, Penry, Rains, Riddick, Smith (C), Starkey, Stout, Turner, Ward, Warren, Williams and Willis.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Gilmer:

H. R. 158. CONGRATULATING THE LADY LIONS OF HUBBERTVILLE HIGH, GIRLS CLASS A STATE BASKETBALL CHAMPIONS.

SPECIAL ORDER RESUMED

And the bill:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private

School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

Which was temporarily postponed with pending amendment on the seventeenth legislative day, was taken up.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Rep. Sasser to the bill, H. 319, and the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Horn, Howard Johnson (Roy), Kennedy, Laird, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

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AMENDMENT OFFERED

Rep. Sasser offered the following amendment #2 to the bill, H. 319 as amended:

Amend Section 16-46-3 as follows:

Section 16-46-3(a) shall read:

“(a) This chapter shall not apply to the following schools nor to any person in regard to the operation of such schools, except for the conditions stated in this section:”

Strike all of Section 16-46-3(f), including subparagraphs (1) through (7) where the same appear on page 6 beginning on line 18 and continuing through line 37.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore,

Olive, Pegues, Penry, Reed, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill, H. 319 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

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And the bill:

H. 82. (With Substitute): To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Was taken up.

The question then was on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide

for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title.—This act shall be known as and may be cited as “Alabama table wine act.”

SECTION 2. Legislative Intent.—The public interest lying in the promotion of temperance by and through the proper regulation of alcoholic beverages, through the instrumentality of the Alabama alcoholic beverage control board and otherwise, it is the intent of the legislature and declared to be the purpose and intent of this Act to promote temperance and to further regulate the sale of alcoholic beverages in the state by distinguishing between fortified wine or vinous liquor having more than fourteen percent (14%) alcohol by volume and table wine having not more than fourteen percent (14%) alcohol by volume, which is hereby declared to be non-liquor and not vinous liquor, and specifically to authorize and regulate the sale and handling of table wine in Alabama by wine manufacturers, wholesalers and retailers licensed by the board.

SECTION 3. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) **BOARD.** The Alabama alcoholic beverage control board.

(b) **WINE.** All beverages made from the fermentation of fruits, berries or grapes, with or without added spirits and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(c) **TABLE WINE.** Any wine containing not more than fourteen percent alcohol by volume. Table wine is not vinous liquor.

(d) **FORTIFIED WINE or VINOUS LIQUOR.** Any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

(e) **MANUFACTURER.** Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of wine.

(f) **WINE WHOLESALER.** Any person licensed by the board to engage in the sale and distribution of table wine at wholesale only to be sold for export or to wine retailers or to licensees and others within this state lawfully authorized to sell wine.

(g) **WINE RETAILER.** Any person licensed by the board to engage in the retail sale of table wine to be consumed off the premises, and who do not possess a state liquor license.

(h) **MUNICIPALITY.** Any incorporated city or town.

(i) **PERSON.** Every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof, as applied to "corporation" shall mean the officers thereof, and as applied to incorporated clubs shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of table wine therein.

SECTION 4. Table wine may be sold in any county in Alabama which has been heretofore or may hereafter be designated a wet county pursuant to law, as follows:

(a) A licensed wine manufacturer may sell table wine to any wine wholesaler or importer licensed to sell wine or to the board;

(b) A licensed wine importer may sell table wine to any wine wholesaler licensed to sell wine or to the board or state;

(c) A licensed wine wholesaler may sell, at wholesale only, table wine that has been purchased from a licensed manufacturer or importer to a licensed wine retailer or to a licensee of the board or other person lawfully authorized to sell wine in this state, or for export;

(d) A licensed wine retailer may set table wine at retail for off-premises consumption only; provided, however, a licensee of the board authorized to sell at retail alcoholic beverages for on-premises consumption may sell table wine at retail for consumption on-premises and off-premises.

SECTION 5. Licenses.—The board shall have full and final authority, without the approval of the county or municipal governing body, to issue and renew licenses of wine retailers, wholesalers, importers and manufacturers to sell and handle table wine in this state. Licenses issued under this Act to wine retailers, wholesalers, importers or manufacturers shall, unless revoked in the manner provided in this Act, be valid for the license year which shall begin on the 1st day of October of each year.

SECTION 6. Application.—Every applicant for a wine retailer's or wholesaler's license shall file a written application with the board in such form as the board may prescribe, which shall be accompanied by the appropriate license fee as prescribed in this Act and, in the case of an original application, by a filing fee of \$50, together with the amount or amounts of the prescribed-licensee fee or fees, if any, levied by the county or counties in which the licensee operates, and, in the case of a wholesaler, accompanied by the bond required by Section 9 of this Act.

SECTION 7. Issuance.—Upon receipt of the application, the proper fees, the bond, if required, and upon being satisfied of the truth of the statements in the application and the applicant is a person of good repute the board shall grant and issue to the applicant a wine retailer's or wine wholesaler's license entitling the applicant to sell or distribute table wine in this state as set forth in Section 4 of this Act.

SECTION 8. Wine Retailer's License.—Upon applicant's compliance with Section 6 hereof, the board shall issue a wine retailer's license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off-premises consumption.

SECTION 9. Wine Wholesaler's License.—Upon applicant's compliance with Section 6 of this Act, the board shall issue to applicant a wine wholesaler's license which will authorize the licensee to import and receive shipments of table wine from outside the state from licensed wine manufacturers, to purchase table wine from licensed wine manufacturer or importer

within the state, and to sell table wine to licensed wine retailers and all licensees or others within this state lawfully authorized to sell wine in this state, and to export table wine from the state. In addition, the applicant shall file with his original application a bond in the penal sum of not less than \$1000.00 nor more than \$10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

SECTION 10. Wine Importer License.—Upon applicant's compliance with Section 6 hereof, the board shall issue to applicant an importer license which shall authorize the licensee to import table wine manufactured outside the United States of America into this state or for sale or distribution within this state table wine to the board or the state, and table wine to wholesaler licensees of the board. No person shall import table wine manufactured outside the United States into this state or for sale or distribution within this state or to the state, the board or any licensee of the board, unless such person shall be granted an importer license issued by the board.

An importer license shall not sell any table wine for consumption on the premises where sold; nor, unless issued a wholesale license, sell or deliver to any retailer; nor deliver any such table wine in other than original containers approved as to capacity by the board, and in accordance with standards of fill prescribed by the U.S. Treasury Department; nor maintain or operate within the state any place or places, other than the place or places covered by his or its importer license, where table wine is sold or where orders are taken.

Each importer licensee shall be required to file with the board, prior to making any sales in Alabama, a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of Label Approvals or its Certificates of Exemption as required by the U. S. Treasury Department. All table wine whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officers of the state of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such importer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of table wine made to each wholesaler during the preceding month and of all shipments of table wine received during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

The books and records of such licensee shall, at all times, be open to inspection by members of the board, or by person duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

Licenses issued under this section shall, unless revoked or suspended in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

SECTION 11. Wine Manufacturer's License.—Every manufacturer, or its designated representative, desiring to sell table wines in or for resale in this state shall register with the board prior to making any such sales.

Each such manufacturer, or its designated representative, shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in this state and shall file with the board its Federal

Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as contraband alcohol as provided by law.

All such manufacturers, or their designated representatives, shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler or importer in Alabama during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

SECTION 12. License Renewal.—The wine retailer's, wine wholesaler's and wine manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees, unless the board has good cause for not reissuing the license.

SECTION 13. (a) License Fees For Licenses Issued By The Board.—The following annual license fees are levied and prescribed for licenses issued and renewed by the board pursuant to the authority contained in this Act:

- (1) Wine retailer's license, license fee of \$150.
- (2) Wine wholesaler's license, license fee of \$550.
- (3) Wine importer's license, license fee of \$500.
- (4) Wine manufacturer's license, license fee of \$500.

In addition, the county or municipality therein in which the wholesaler, importer or retailer sells or distributes table wine may fix a reasonable privilege or license tax on a wine wholesaler, importer or retailer located therein, conditioned on a permit or license being issued by the board. Provided, however, said county or municipality shall levy no license or privilege tax, or other charge for the privilege of doing business as a wine wholesaler, importer or retailer, which shall exceed one-half the amount of the state license fee levied under the provisions of this Section for like privilege.

(b) Payment, Collection and Administration.—All license and filing fees levied or authorized by this Act, other than those levied by a municipality, shall be paid to the board. All filing and license fees paid to the board shall be paid into the state treasury to the credit of the beer tax and license fund of the board and each month's receipts shall be distributed to the state general fund no later than the end of the following month. All license fees levied by any county and paid the board shall be paid not later than the last day of the month following the month of collection to the county governing body which shall distribute the proceeds thereof.

SECTION 14. Regulation of the grant of licenses.—No license prescribed in this Act shall be issued or renewed until the provisions of this Act have been complied with and the filing and license fees other than those levied by a municipality are paid to the Board.

Every license issued under this Act shall be constantly and conspicuously displayed on the licensed premises.

Any wine retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of table wine, but a separate license must be secured for each place where table wine is sold. Provided there shall be no licenses issued by the board for the sale of wine by rolling stores.

A malt or brewed beverage wholesale licensee may also be granted a wine wholesaler's license. No wine wholesaler shall maintain or operate any place where sales are made other than that for which license is granted. No wine wholesaler shall maintain any place for the storage of table wine unless the same has been approved by the board. No wine wholesaler's license shall be issued for any premises in any of which there is operated any retail license for the sale of liquor, wine, malt or brewed beverages.

Licenses shall be granted by the board only to reputable individuals, or to associations, partnerships and corporations whose members or officer and directors are reputable individuals.

Licenses issued under this Act may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of a license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of ten dollars, to be paid to the board for the use of the state.

In the event that any person to whom a license shall have been issued under the terms of this chapter shall become insolvent, Make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and to the time it shall issue, and the period for which it shall be issued, and shall have the further power to exact conditions under which said licensed premises shall be conducted.

SECTION 15. Suspension or revocation of licenses and fines.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In lieu of suspension or revocation, the board shall have the authority, in the case of a wine retailer, to invoke a penalty of not less than \$250.00 nor more than \$500.00 for one or more of the following violations of this Act:

- (a) selling wine other than during the legal hours of sale; or
- (b) selling wine to a minor.

The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers or directors of the licensee has or have violated any of the provisions of this Act relating to the sale and handling of table wine and any of the laws of this state relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alcoholic beverages, other than table wine, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board under the provisions of this Act. In all cases where the board shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose license is revoked by the board shall be ineligible to have a license under this Act, until the expiration of one year from the date such license was revoked.

SECTION 16. Tax on sale of table wine.—

(a) Levy.—There is hereby levied in addition to the license taxes provided for by this Act and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 47¢ per liter as bottled according to the metric standard of measure of \$1.78 for each fluid gallon, to be collected from the purchaser by the board or by a licensed retailer on the basis of the ratio of the size or measure of the container sold to one liter or one fluid gallon rounded to the nearest one cent.

(b) Collection.—The Tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of 40¢ per liter, or \$1.51 per fluid gallon; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of 7¢ per liter, or 27¢ per fluid gallon; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

The tax hereby levied shall be collected by the board on the table wine sold by the board and shall be paid as follows: taxes at the rate of 40¢ per liter, or \$1.51 per fluid gallon shall be remitted by the board into the state treasury and taxes at the rate of 7¢ per liter or 27¢ per fluid gallon shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) Forty cents (40¢) per liter or one dollar fifty-one cents (\$1.51) per gallon, according to the standard of measure used in bottling, shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be credited as net profits from operation of the board to be distributed as provided by law.

(2) Seven cents (7¢) per liter or twenty-seven cents (27¢) per gallon, according to the standard of measure used in bottling, shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

(d) The tax herein levied is exclusive and shall be in lieu of all other and additional taxes state, county or municipality, imposed on or measured by the sale of table wine; provided that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

(e) The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe.

SECTION 17. Regulations of board; evidence.—The board may from time to time make such regulations not inconsistent with this Act and the purpose and intention thereof as it shall deem necessary for carrying out the provisions of this Act, and from time to time alter, repeal or amend such regulations, or any of them.

Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

SECTION 18. Sales by Manufacturers.—No manufacturer shall sell any table wine direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such table wine in other than original

containers, nor shall any manufacturer maintain or operate within this state any place or places, other than the place or places covered by his or its license where table wine is sold or where orders therefor are taken. Provided, further that table wine which is manufactured in Alabama where 75% or more of the fruit or produce used in the manufacture of such wine is grown in Alabama, may be sold directly at retail by the licensed manufacturer only on the manufacturer's premises, for on-premise or off-premise consumption.

SECTION 19. Sales by Wholesalers.—No wine wholesaler shall purchase receive or resell any table wine except in the original container as prepared for the market by the manufacturer.

SECTION 20. Sales by Retailers.—No wine retailer shall purchase or receive any table wine except from the board or from wine wholesalers duly licensed under this Act. All table wines must be received by the wine retailer in original containers as prepared for the market by the manufacturer. Wine retailers may sell or dispense at retail to be consumed off the premises only. On-premises retail licensees may break the bulk upon the licensed premises and sell or dispense at retail to be consumed on the premises, or sell or dispense at retail in original containers to be consumed on or off the premises.

SECTION 21. Unlawful Acts and Offenses.—It shall be unlawful:

A. (1) For any wine manufacturer or wine wholesaler, or the servants, agents or employees of the same, to sell, trade or barter in table wine between the hours of nine o'clock P.M. of any Saturday and six o'clock A.M. of the following Monday.

(2) For any licensee to sell, furnish or give away table wine to any person visibly intoxicated or to any insane person or any minor, or to habitual drunkards, or persons of known intemperate habits.

(3) For any retail licensee to sell, serve, furnish or give away or knowingly permit any person to sell, serve, furnish or give away on the retail premises, any table wine to any person in any public place on Sunday.

(4) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of table wine, the actual price paid therefor and the name of the vendor, or to refuse the board or any authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(5) For any licensee to refuse the board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(6) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of table wine.

(7) For any licensee to knowingly sell any table wine to any person engaged in the business of illegally selling liquor, wine or malt or brewed beverages.

(8) For any person to manufacture, transport or import any table wine into Alabama, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of table wines through the state or any dry county and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

(9) For any person, firm, corporation, partnership or association who has not been licensed so to do under the appropriate provisions of this Act, to sell, offer for sale or have in possession for sale, any table wine. Any table wine so possessed, maintained or kept shall be contraband and subject to condemnation and confiscation as contraband alcohol as provided by law.

(10) For any person licensed to sell table wine to offer or give anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such table wine, or to offer to give anything of value as a premium or present to induce the purchase of such table wine or for any other purpose whatsoever in connection with the sale of such table wine. Provided, however, this provision shall not apply to the return of any moneys, specifically deposited for the return of the original containers to the owners thereof.

(11) For any licensee or transporter for hire to transport any table wine except in the original container, and for any transporter to transport any table wine in Alabama, unless such transporter shall hold a permit issued by the board.

(12) For any manufacturer or wholesaler to deliver any table wine excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Any violation of any of the subsections of provisions of this section shall be a misdemeanor punishable by a fine of not less than fifty dollars not more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and on the second conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

SECTION 22. Interlocking businesses and interest prohibited.—No manufacturer and no officer or director of any manufacturer shall, at the same time, be a wine wholesaler or retailer, or an officer, director or stockholder or creditor of any wine wholesaler or retailer, nor except as hereinafter provided, be the owner, proprietor or lessor of any place covered directly or indirectly by any wine wholesaler's license or wine retailer's license or other retailer license authorizing the sale of wine in this state.

No wine wholesaler and no officer or director of any wine wholesaler shall at the same time be a manufacturer or wine retailer, or be an officer, director, stockholder or creditor of any manufacturer of wine retailer, or be the owner, proprietor or less of any place covered by any retail table wine license.

No licensee licensed under this Act, shall directly or indirectly own any stock of, or have any financial interest in, any other class of business licensed under this Act.

Excepting as hereinafter provided, no wine manufacturer or wholesaler shall in any wise be interested, either directly or indirectly in the ownership or leasehold of any property, or in any mortgage against the same, for which a liquor or wine retailer's license is granted; nor shall a wine manufacturer or wholesaler either directly or indirectly, lend any moneys, credit or equivalent thereof to any retailer in equipping, fitting out or maintaining and conducting, either in whole or in part, an establishment or business operated under a wine retailer's or liquor retail dispensers' license, excepting only the usual and customary credits allowed for returning packages or containers in which table wine was packed for market by the manufacturer.

Excepting as hereinafter provided, no manufacturer shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a wine wholesaler's license is granted, nor shall a manufacturer, either directly or indirectly, lend any moneys, credit or their equivalent to any wine wholesaler in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where table wines are licensed for sale by a wine wholesaler, excepting only the usual credits allowed for the return of packages or containers in which table wines were originally packed for the market by the manufacturer.

No wine wholesaler or retailer shall in any wise, either directly or indirectly, receive any credit, loan, moneys or the equivalent thereof from any other licensee, or from or through a subsidiary or affiliate of another licensee or from an firm, association, or corporation, except banking institution in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a wine wholesaler's or retailer's license, excepting only the usual and customary credits allowed for the return of packages or containers in which table wines were packed for the market by the manufacturer.

The purpose of this section is to require a separation of the financial and business interest between the various classes of business regulated by this Act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section.

SECTION 23. Advertising.—No sign of any kind advertising table wine shall be displayed outside any retail place of business. Radio, television, newspaper, magazine, billboard and commercial vehicle used for transportation of table wine may be used to advertise table wine in accordance with rules and regulations issued by the board. No other advertising of table wine shall be permitted, except in accordance with rules and regulations issued by the board. Provided, however, that there shall be no advertising of table wine on billboards located in "dry" counties as defined in Chapter 2, Title 28, Code of Alabama 1975.

SECTION 24. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 25. Repealer.—All laws or parts of laws which conflict or are inconsistent with this Act are hereby repealed. The taxes imposed by §§ 28-3-200, 28-3-201, 28-3-202, 28-3-203, and 28-3-204 (being Act No. 79-761, Acts of Alabama 1979), Code of Alabama 1975, do not apply to the sale of

table wine. Provided, however, nothing herein contained shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred thereunder or under any local tax, county or municipal, hereby repealed, nor be construed to repeal any provision of law respecting the enforcement of any such tax liability, penalty or forfeiture incurred. Provided, further, that nothing herein contained shall be construed to repeal or as repealing Act No. 79-182, Acts of Alabama 1979.

SECTION 26. Effective date.—Upon its passage and approval by the Governor, or upon its otherwise becoming law, this Act shall become effective at midnight September 30, 1980.

And the substitute was adopted.

Yeas 55; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Coburn, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Manley, Moore, Olive, Owens, Patton, Payne, Roberts, Sandusky, Sasser, Shoemaker, Stewart, Stout, Trammell, Waggoner, Whatley and Williams.

—55

Nays:

Reps.: Blake, Carter, Cheatwood, Crow, Letson, McKee, Mitchell, Parker, Pegues, Rains, Riddick, Smith (C), Turner, Turnham, Venable, Warren, Willis and Wyatt.

—18

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy) to indefinitely postpone the bill, H. 82 as amended, was lost.

Yeas 27; Nays 45.

Yeas:

Reps.: Adams (C), Albright, Carter, Cheatwood, Crow, Edwards, Grimsley, Hall, Harper (O), Holley, Johnson (Roy), Laird, Letson, McKee, Mitchell, Parker, Pegues, Rains, Riddick, Shavers, Smith (C), Starkey, Turner, Turnham, Ward, Warren and Williams.

—27

Nays:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Daniels, Dixon, Gafford, Gilmer, Hammett, Harper (T), Harrison, Hines, Howard, Johnson (R. G.), Lewis, McMillan, Manley, Moore, Olive, Owens, Patton, Payne, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (M), Stewart, Stout, Trammell, Waggoner, Whatley, Willis and Zoghby.

—45

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 394. Relating to Jackson County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 693. Relating to Clay County; providing for the taxing and collecting of certain additional court costs for the purposes of maintenance or repair of the Clay County jail; and authorizing the expenditure of said funds.

Also:

H. J. R. 93. NAMING COUNTY HIGHWAY 79 THE WYCOTT PLANTATION MEMORIAL HIGHWAY.

Also:

H. J. R. 139. Relative to Meeting Dates Beginning Tuesday, April 1, 1980, through Sine Die Adjournment on Monday, May 19, 1980.

Also:

H. J. R. 140. PROCLAIMING MAY 5-11, 1980, AS "ALABAMA ALCOHOL AWARENESS—MARRIAGE AND FAMILY WEEK."

Also:

H. J. R. 141. NAMING A SECTION OF STATE HIGHWAY 75 IN GERALDINE, DEKALB COUNTY, ALABAMA, THE "DR. BRIGGS PARRIS DRIVE."

Also:

H. J. R. 143. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

Also:

H. J. R. 147. NAMING THE NEW ELEMENTARY SCHOOL BUILDING AT ARITON IN DALE COUNTY, ALABAMA, THE "CREEL RICHARDSON ELEMENTARY ADDITION."

Also:

H. J. R. 148. ENCOURAGING CONTINUED AND INCREASED USE OF THE ALABAMA STATE DOCKS SYSTEM BY DOMESTIC BUSINESS AND INDUSTRY IN ALABAMA.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 593. To provide for the Department of Pensions and Security to issue to all eligible recipients a special color picture identification card, separate from and entirely distinct from the valid color picture driver license or non-driver identification card and the associated data processing system shall contain provision for real-time recipient eligibility verification information. Adequate provision shall be made for protection of the confidentiality of the medicaid recipient.

And finds same correctly enrolled with Executive Amendment.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 82 RESUMED
AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, H. 82 as amended:

Amend Substitute for H. B. 82, page 8, section 14, line 30 by striking after the word "be" no.

AMENDMENT TABLED

On motion of Rep. Sandusky, the amendment offered by Rep. Roberts to the bill, H. 82 as amended, was tabled.

Yeas 42; Nays 24.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Ford, Gafford, Gilmer, Harper (T), Hines, Johnson (R. G.), Kennedy, Langford, Lewis, McMillan, Manley, Moore, Olive, Owens, Patton, Payne, Riddick, Sandusky, Sasser, Shoemaker, Smith (M), Stewart, Stout, Waggoner, Willis, Wyatt and Zoghby.

Nays:

Reps.: Blake, Brakefield, Carothers, Carter, Cheatwood, Greer, Grimsley, Grouby, Hall, Harper (O), Holley, Johnson (Roy), Laird, Letson, Mitchell, Pegues, Rains, Roberts, Smith (C), Starkey, Turner, Ward, Warren, and Williams.

—24

RESOLUTION

The following resolution was introduced:

By Rep. Biddle:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama both congratulates Jefferson State Junior College and voices appreciation to the Pioneer cagers for the fame and honor they have brought to our state as runnerup in the National Junior College Basketball Tournament in Hutchinson, Kansas; and

WHEREAS, second in its division, the Jefferson State Pioneers won Alabama's junior college post-season tournament and went to the Nationals 33 and 0; four more big wins made it 37-0 going into the title match against Western Texas College which the Westerners claimed 85-72, in its toughest battle of the tournament; and

WHEREAS, the Pioneer's head coach is Bill Lankford who indeed deserves much credit for his team's tremendous showing in tournament play as well as all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Bill Lankford and the Jefferson State Junior College Pioneers as second in the nation in the National Junior College Basketball Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Coach Lankford, on behalf of the entire team, as evidence of our high praise and warm regard.

The resolution, H. J. R. 159, was read and referred to the Standing Committee on Rules.

H. 82 RESUMED AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 82 as amended:

Amend H. 82 as substituted on page 4, line 8 strike the word "without" and substitute the word with.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Blake, Buskey, Carothers, Carter, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Moore, Olive, Owens, Parker, Patton, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Smith (C), Starkey, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—63

Nays: Reps.: Rains and Ray.

—2

And the bill, H. 82 as thus amended, was read a third time at length and passed, and ordered snet forthwith to the Senate without engrossment.

Yeas 47; Nays 33.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Boles, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Dial, Dixon, Gafford, Gilmer, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, Lewis, McMillan, Manley, Moore, Olive, Owens, Patton, Payne, Sandusky, Sasser, Shoemaker, Smith (M), Stewart, Stout, Trammell, Waggoner, Whatley, Willis and Zoghby.

—47

Nays:

Reps.: Adams (C), Blake, Brakefield, Carter, Cheatwood, Crow, Daniels, Drinkard, Edwards, Grimsley, Grouby, Harper (O), Holley, Johnson (Roy), Kelley, Laird, Letson, McKee, Minus, Mitchell, Pegues, Rains, Ray, Riddick, Roberts, Shavers, Smith (C), Starkey, Turnham, Venable, Ward, Warren and Williams.

—33

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holley to suspend the rules in order to take up out of order the bill, H. 459, was lost.

Yeas 31; Nays 35.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Buskey, Carter, Cheatwood, Crow, Daniels, Ford, Greer, Harper (O), Harvey, Hilliard, Hines, Holley, Horn, Johnson (Roy), Kennedy, Langford, Letson, Minus, Mitchell, Patton, Penry, Ray, Roberts, Stewart, Turner, Turnham and Wyatt.

—31

Nays:

Reps.: Adams (C), Adams (H), Bedsole, Biddle, Bowling, Cabaniss, Cates, Clark (G), Coburn, Cosby, Dixon, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (T), Howard, Lewis, McKee, Manley, Moore, Olive, Parker, Payne, Pegues, Rains, Shavers, Shoemaker, Smith (C), Smith (M), Stout, Waggoner, Ward and Zoghby.

—35

And the bill:

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Pegues, Ray, Roberts, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Warren, Williams, Willis, Wyatt and Zoghby.

—60

LEAVE OF ABSENCE

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Seibels for the fifteenth, sixteenth and seventeenth legislative days, due to illness.

SPECIAL ORDER RESUMED

And the bill:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels,

Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

And the bill:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of such Municipalities; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such

authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Was taken up.

SUBSTITUTE OFFERED

Rep. Ward offered the following substitute to the bill, H. 496:

A BILL TO BE ENTITLED AN ACT

To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the needs for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which

such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease, or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this state require efficient solid waste collection and disposal service and efficient utilization of such waste; that the need exists to develop alternative energy sources for public and private consumption in order to reduce our dependence on such sources as petroleum products, natural gas, nuclear and hydro-electric generation; that solid waste represents a potential source of solid fuel, oil or gas that can be converted into energy; that technology exists to produce usable energy from solid waste; that there is a need for planning, research, development and innovation in the design, management and operation of facilities for solid waste management, in order to encourage continuing improvement and provide adequate incentives and processes for reducing operation and other costs in the management of solid waste; that a need exists for the demonstration of systems and techniques for materials recovery and reuse of solid waste; that long-term negotiated contracts with users of energy should be utilized as an incentive for the development of facilities for the recovery of energy from solid waste; that there is a shortage of funds available for the provision of solid waste disposal and resource recovery facilities; in order to provide for the collection and disposal of solid waste and to encourage planning of solid waste collection and disposal service and resource recovery through the development of systems for the recovery of material or energy from solid waste, it is necessary and desirable to authorize the creation by municipalities in the state of authorities which will have the power to issue and sell bonds and notes and using the proceeds of such bonds and notes to acquire and construct such facilities.

Section 2. Definitions and Uses of Phrases. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the Governing Body of any County or Municipality in accordance with the provisions of Section 4 hereof.

"Authority" means any public corporation organized pursuant to the provisions of this Act.

"Authorizing Resolution" means a resolution or ordinance adopted by the Governing Body of any County or Municipality in accordance with the provisions of Section 4 hereof, that authorizes the incorporation of an Authority.

"Board" means the Board of Directors of an Authority.

"Bonds" means bonds, notes or other obligations representing an obligation to pay money.

"Costs" as applied to a Facility or any portion thereof, shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a Facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a Facility, the

cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and for a period of six months following estimated completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance, extensions, enlargements, additions and improvement to any Facilities then being or theretofore acquired and all other amounts authorized by any Authority to be paid into any special funds from proceeds of Bonds issued by the Authority, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determine the feasibility or practicability of constructing a Facility and such other expenses as may be necessary or incident to the construction and acquisition of a Facility, the financing of such construction and acquisition and the placing of a Facility in operation.

"County" means any county in the State.

"Determining County" means, with respect to an Authority, any County the Governing Body of which shall have made findings and determinations of fact pertaining to the organization of such Authority in accordance with the provisions of Section 4 of this Act.

"Determining Municipality" means, with respect to an Authority, any Municipality the Governing Body of which shall have made findings and determinations of fact pertaining to the organization of such Authority in accordance with the provisions of Section 4 of this Act.

"Determining Subdivision" means, with respect to an Authority, any Determining County or Determining Municipality.

"Facility" means all or any part of either or both of (i) a Solid Waste Disposal Facility, and (ii) a Resource Recovery Facility, including all land, rights-of-way, property rights, franchise rights, machinery, equipment, vehicles, furniture, fixtures and all other property, rights, easements and interests necessary or desirable in connection therewith.

"Governing Body" means with respect to a Municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a Municipality and, with respect to a County, its county commission or other like governing body exercising the legislative functions of a County.

"Incorporators" means the persons forming a public corporation pursuant to the provisions of this Act.

"Municipality" means an incorporated municipality in the State.

"Person" means the State, a Municipality, a County or any political subdivision or agency of the State or a County or a Municipality, a public corporation, or any private corporation, individual, partnership, trust or foundation.

"Resource Recovery Facility" shall include any land, building, plant, system, facility, equipment or other property, or any combination of either thereof, used or useful or capable of future use in connection with the extracting, converting to energy, or otherwise separating and preparing Solid Waste for reuse.

"Recovered Resource" means material or energy in any form whatsoever, including but not limited to steam, gas or electricity, which are or may be collected or recovered from or with respect to Solid Waste.

"Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the Authority from any of the following: the operation by the Authority of a Facility or Facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sub-lease or use or other disposition of any Facility or portion thereof; the sale, lease or other disposition of Recovered Resources; contracts, agreements or franchises with respect to a Facility (or portion thereof), with respect to Recovered Resources, or with respect to a Facility (or portion thereof) and Recovered Resources, including but not limited to charges with respect to the disposal of Solid Waste received with respect to a Facility, income received as a result of the sale or other disposition of Recovered Resources; any gift or grant received with respect thereto; proceeds of Bonds to the extent of use thereof for payment of principal of, premium, if any, or interest on the Bonds is authorized by the Authority; proceeds from any insurance, condemnation or guaranty pertaining to a Facility or property mortgaged to secure Bonds or pertaining to the financing of a Facility; and income and profit from the investment of the proceeds of Bonds or of any revenues.

"Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

"Solid Waste Disposal Facility" shall include any land, building, plant, system, facility, trucks and other motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in connection with the collection, storage, treatment, utilization, recycling, processing, transporting or disposal of Solid Waste, including transfer stations, incinerators, sanitary land-fill facilities or other facilities necessary or desirable in connection therewith.

"State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein", "hereby", "hereunder", "hereof", and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Filing of Application; Authorization of Incorporation by Governing Body of Determining Subdivision. A public corporation may be organized pursuant to the provisions of this Act in any County or Municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the County or the Municipality, shall first file a written application with the Governing Body of such County or Municipality, which application shall:

(1) Contain a statement that the Applicants propose to incorporate an Authority pursuant to the provisions of this Act;

(2) State the proposed location of the principal office of the Authority;

(3) State that each of the Applicants is a duly qualified elector of the County or the Municipality with whose Governing Body such application is filed; and

(4) Request that the Governing Body of such County or Municipality adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the Applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the Governing Body of the County or the Municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. The Governing Body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon said application is taken.

Section 5. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of an Authorizing Resolution the Applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the County or one of the Counties in which the Determining Subdivision is located a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the Determining Subdivision;

(2) The name of the Authority (which shall be "The Solid Waste Disposal Authority of the _____ of _____," with the insertion of the name of the Determining Subdivision, unless the Secretary of State shall determine that such name is identical to the name of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty, in which case the Incorporators may insert additional identifying words so as to eliminate said duplication or similarity);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 22 hereof, that fact shall be stated);

(4) The name of the Determining Subdivision together with the date on which the Governing Body thereof adopted the Authorizing Resolution;

(5) The location of the principal office of the Authority, which shall be within the boundaries of the Determining Subdivision;

(6) That the Authority is organized pursuant to the provisions of this Act; and

(7) Any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the Governing Body of the Determining Subdivision in accordance with the provisions of Section 4 hereof, (b) a certified copy of the Authorizing Resolution adopted by the Governing Body of the Determining Subdivision, and (c) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the proceeding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. Amendments to Certificate of Incorporation. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the Board and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the Governing Body of the Determining Subdivision, requesting such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the Governing Body of the Determining Subdivision pursuant to the foregoing provisions of this section, that Governing Body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such Governing Body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said Governing Body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the Governing Body of the Determining Subdivision of the resolution approving the proposed amendment the chairman of the Board of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate with which the certificate of incorporation of the Authority was originally filed a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said respective resolutions by the Board and by the said Governing Body and setting forth the said proposed amendment. The Judge of Probate for such County shall thereupon record said certificate in an appropriate book in his office. When such certificate has

been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of an Authority shall be amended except in the manner provided in this section.

Section 7. Board of Directors. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of three Directors who shall be elected by the Governing Body of the Determining Subdivision for staggered terms as hereinafter provided. The Governing Body of the Determining Subdivision shall specify for which term each Director is elected. The initial term of office of one Director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another Director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the second succeeding calendar year following his election. The initial term of the remaining Director shall begin immediately upon his election and shall end at 12:00 o'clock, A.M., on January 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each such Director shall be four years. If at the expiration of any term of office of any Director, a successor thereto shall not have been elected, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the Governing Body of the Determining Subdivision. Any officer of the Determining Subdivision shall be eligible for appointment and may serve as a member of the Board for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the Board consist of more than one officer of the Determining Subdivision. Each Director must be a duly qualified elector of the Determining Subdivision. Directors shall be eligible for re-election. Each Director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 8. Officers of the Authority. The officers of an Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as its Board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice chairman of an Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer, and any other officers of the Authority may but need not be members of the Board and shall also be elected by the Board. The chairman, vice-chairman and secretary of the Authority shall also be the chairman, vice chairman and secretary of the Board, respectively.

Section 9. Powers of Authority. (a) Every Authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act, including (without limiting the generality of the foregoing) the following powers:

(1) to have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of Section 22 hereof) specified in its certificate of incorporation;

(2) to sue and be sued in its own name in civil suits and actions and to defend suit against it;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business;

(5) to acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more Facilities, including all real and personal properties that its Board may deem necessary in connection therewith, regardless of whether or not any such Facility shall then be in existence and, if in existence, regardless of whether or not any such Facility is then owned or leased by any Person to which such Facility may subsequently be sold or leased by such Authority;

(6) to borrow money and to sell and issue Bonds as hereinafter provided for any corporate use or purpose;

(7) to lease to any Person or Persons all or any part of any Facility or Facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its Board may deem advisable;

(8) to contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any Recovered Resources Facility, and to contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any Recovered Resources (including but not limited to the granting of options to purchase any Recovered Resources to any Person), all for such consideration and upon such terms and conditions as its Board may deem advisable;

(9) to enter into a contract or contracts with any Person or Persons granting to such Person or Persons the exclusive right to purchase or acquire from the Authority any Recovered Resources or rights to Recovered Resources for such period as its Board may deem advisable.

(10) to pledge for payment of any Bonds issued or assumed by the Authority any Revenues from which such Bonds are payable as herein provided, and to mortgage or pledge any or all of its Facilities and Revenues or any part or parts thereof, whether then owned or received or thereafter acquired or received;

(11) to assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any Facility or Facilities or part thereof or the Revenues derived from any Facility or Facilities that may be acquired by the Authority;

(12) to make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which such Authority was organized or to exercise any power expressly granted hereunder;

(13) to enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this Act or other applicable laws of the State that may be necessary in order to

avail itself of the aid and cooperation of the United States of America, the State or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Act;

(14) to receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) to appoint, employ and contract with such employees and agents, including but not limited to architects, engineers, attorneys, accountants, financial experts, fiscal agents, and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensations;

(16) to enter into a management contract or contracts with any Municipality, any County, or any Person or Persons for the management, supervision or operation of all or any part of its Facilities as may in the judgment of such Authority be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this Act.

(17) to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its Board may deem desirable;

(18) to invest its moneys (including, without limitation, (i) the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its Bonds and (ii) proceeds from the sale of any bonds or notes) not required for immediate use in (i) any debt securities that are direct, general obligations of the United States of America, (ii) any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iii) any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency, or instrumentality of the United States of America that may succeed to the functions of such corporation; and (iv) any debt obligation in which an insurance company organized under the laws of the State may legally invest its money at the time of investment by an Authority.

(19) to procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any Bonds issued by such Authority, and to pay premiums or fees for any such insurance or guarantees; and

(20) to do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Act.

(b) Any Facility or Facilities of an Authority organized pursuant to determination by a Determining Municipality may be located within or without or partially within and partially without the Determining Municipality, subject to the following conditions:

(1) No such Facility or part thereof shall be located more than 30 miles from the corporate limits of the Determining Municipality;

(2) No such Facility or part thereof shall be located within the corporate limits of a Municipality other than the Determining Municipality in this State;

(3) No such Facility or part thereof shall be located within the police jurisdiction of another Municipality in this State unless the Governing Body of such Municipality has first adopted a Resolution consenting to the location of such Facility or part thereof in the police jurisdiction of such Municipality; and

(4) No such Facility or part thereof shall be located in a County other than that (or those) in which the Determining Municipality (or part thereof) is situated unless the governing body of such other County has first adopted a Resolution consenting to the location of such Facility or part thereof in such County.

(c) Any Facility or Facilities of an Authority organized pursuant to determination by a Determining County may be located within or without or partially within and partially without the Determining County, subject to the following conditions:

(1) No part of a Facility shall be located more than three miles outside the boundaries of the Determining County;

(2) In no event shall any Facility or part thereof be located within the corporate limits of a Municipality unless the Governing Body of such Municipality has first adopted a Resolution consenting to the location of such Facility or part thereof in such Municipality; and

(3) No such project or part thereof shall be located in a county other than the Determining County unless the Governing Body of such other County has first adopted a Resolution consenting to the location of a part of such Facility in such other County.

Section 10. Bonds of the Authority. Any Authority shall have the power to issue, sell and deliver at any time and from time to time its Bonds in such principal amount or amounts as its Board shall determine to be necessary to provide funds.

(A) to finance the Costs of a Facility or Facilities;

(B) to refund Bonds theretofore issued or assumed by the Authority;

(C) to provide funds to enable it to achieve any of its other corporate purposes; or

(D) to accomplish any one or more of the objectives referred to in the preceding clauses (A) through (C).

Any such Bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times, not exceeding forty-five (45) years from the date thereof, may be payable at such place or places whether within or without the state of Alabama, may bear interest at such rate or rates payable at such time or times and at such place or places and evidence in such manner, and may contain such provisions not inconsistent with this Act as shall be provided in the proceedings of the Board whereunder such Bonds shall be authorized to be issued. If such action shall be deemed advisable by the Board, there may be

retained in the proceedings under which any of such Bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of such Bonds, but nothing contained in this section shall be construed to confer on the Authority any right or option to redeem any such Bonds except as may be provided in the proceedings under which they shall be issued.

All Bonds issued by the Authority shall be signed by the chairman of its Board or other chief executive officer and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the chairman of its Board or other chief executive officer; provided, that a facsimile of the signature of one, but not both of said officers, may be printed or otherwise reproduced on any such Bonds in lieu of a manual signature thereon, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its Board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of a manual signature thereon.

Prior to the preparation of definitive Bonds, the Authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive Bonds when such Bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any Bonds which shall become mutilated or shall be destroyed or lost.

All obligations created or assumed and all Bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State, the Determining Subdivision, any County or Municipality; provided, that the provisions of this paragraph shall not be construed to release the original obligor from liability on any Bond or other obligation assumed by the Authority.

Section 11. Security for Payment of Bonds; Contracts and Agreements to Secure. Any Bonds issued by the Authority shall be revenue bonds and shall be payable solely out of such Revenues of the Authority as may be designated in the proceedings of the Board under which they shall be authorized to be issued. Any such proceedings may provide that the Bonds therein authorized shall be payable solely out of the Revenues derived from the operation of any Facility or Facilities owned by the Authority, regardless of the fact that those Bonds may have been issued with respect to or for the benefit of a certain Facility or Facilities of the Authority.

As security for payment of the principal and interest on any Bonds issued or assumed by it, any Authority may enter into a contract or contracts, adopt resolutions or other proceedings containing provisions constituting a part of the contract or contracts with the holders of such Bonds, pertaining to, among other things, the following:

- (1) pledging all or any part of the Revenues of such Authority to secure the payment of such Bonds;
- (2) pledging, assigning or mortgaging all or any part of the assets of such Authority to secure the payment of such Bonds;
- (3) the creation of reserve, sinking or other funds and the regulation and disposition thereof;

(4) the issuance of additional Bonds;

(5) binding the Authority to impose and collect reasonable rates for and the imposition of reasonable regulations respecting any service rendered from or with respect to any Facility or Facilities;

(6) the procedure, if any, by which the terms of any contract with the holders of such Bonds may be amended or abrogated, the amount of Bonds the holders of which must consent thereto and the manner in which such consent may be given;

(7) limitations on the amount of moneys to be expended by such Authority for its operating expenses;

(8) vesting in a trustee or trustees such property, rights, powers and duties as such Authority may determine;

(9) defining the acts of omissions to act that shall constitute a default in the performance of the obligations and duties of such Authority to the holders of such Bonds and providing for the rights and remedies of such holders in the event of such default; provided, however that such rights and remedies shall not be inconsistent with the general laws of the State and the other provisions of this Act; and

(10) any other matters, of like or different character, which in any way affect the security or protection of the holders of such Bonds.

Any mortgage of property granted by any Authority, any security interest in property created by it, or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its Bonds, shall be valid and binding from the time when such mortgage is granted, such security interest created, or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created, and the revenues and contract rights so assigned or pledged shall immediately (or as soon thereafter as such Authority obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against such Authority, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the Judge of Probate in which the certificate of incorporation of such Authority was filed for record and (ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the Judge of Probate of the County in which such property is or is to be located pursuant to any agreement made by such Authority with any Person respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the Bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the Board of such Authority authorizing such mortgage, security interest, assignment or pledge, as the case may be.

Section 12. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by an Authority shall be used solely for the purpose or purposes for which the same are authorized; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes then such unexpended part of such proceeds shall be applied to the payment of the principal of or interest on the said Bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the Bonds sold.

Section 13. Refunding Bonds. Any Bonds issued or assumed by an Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date of which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds or other obligations to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rates or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board.

Any refunding Bonds issued by an Authority shall be issued and may be secured in accordance with the provisions of Sections 10 and 11 of this Act.

Section 14. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing appropriate and independent instrumentalities with full and adequate powers to fulfill their functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by an Authority. Neither a public hearing nor the consent of the State Department of Finance or any other department, agency, bureau, board or corporation of the State shall be prerequisite to the issuance of Bonds by an Authority.

To the extent that Section 22-27-5 of the Code of Alabama of 1975, as amended, might in any way be applicable to the actions of the Authority, the said Section is hereby declared to be inapplicable, including particularly the provisions of the said Section providing for the cancellation of contracts of Counties and Municipalities, and individuals, corporations, partnerships or other agencies engaging in the collection and disposal of Solid Waste. Each Authority shall, however, be subject to the provisions of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975 (other than the provisions of the said Section 22-27-5) respecting sanitary requirements in the disposal of Solid Waste.

Section 15. Power of Eminent Domain. Each Authority organized under the provisions of the Act is hereby granted the power of eminent domain and may exercise such power in the manner provided by law for the purpose of obtaining real property for any Facility or part thereof.

Section 16. Cooperation; Aid from Other Bodies; Agreements. For the purpose of attaining the objectives of this Act, any County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following: (i) lend or donate money to any Authority or perform services for the benefit thereof; (ii) donate, sell, convey, transfer, lease or grant to any Authority, without the necessity of authorization at any election of qualified voters, any property of any kind; and (iii) do any and all things, whether or not specifically authorized in this Section 16, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any Authority in attaining the objectives of this Act.

Any County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality are each hereby specifically authorized to enter into a contract or contracts obligating any such entity to dispose of its Solid Waste, or any part thereof, at a Facility or Facilities owned or operated by such Authority and obligating such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality to make payments to such Authority for such disposal. The terms, provisions and conditions of any such contract or contracts shall be such as a governing body of any such County, Municipality or political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality deems appropriate. Any such contract or contracts may provide for the continuous disposal of such Solid Waste from year to year, but for a term not to exceed forty-five (45) years. Any costs to any such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State, a County or Municipality shall be paid annually out of the general operating funds of any such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State or any County or Municipality, and the entering into of such contract or contracts shall not constitute the incurring of a debt by such County, Municipality or other political subdivision, public corporation, agency or instrumentality of the State or any County or Municipality within the meaning of any constitutional or statutory limitations on debts of the State, the Counties or the Municipalities.

Section 17. Exemption from Taxation. The property and income of any Authority, all Bonds issued by an Authority, the income from such Bonds, conveyances by or to an Authority, and leases, mortgages and deeds of trust or trust indentures by or to an Authority shall be exempt from all taxation in the State of Alabama. Any Authority shall be exempt from all taxes levied by any County, Municipality, or other political subdivision of the State, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage. An Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any County in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 18. Exemption from Usury and Interest Laws. Each Authority shall be exempt from the laws of the State of Alabama governing usury or

prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

Section 19. Exemption from Competitive Bid Laws. Any Authority and all contracts made by it shall be exempt from the laws of the State of Alabama requiring competitive bids for any contract to be entered into by municipalities or public corporations authorized by them, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama of 1975, as it may at any time be amended.

Section 20. Earnings of an Authority. An Authority shall be a non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event of Board shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of an Authority, then any net earnings of an Authority thereafter accruing shall be paid to its Determining Subdivision.

Section 21. Legal Investments. The Bonds of any Authority shall be legal investments in which the State and its agencies and instrumentalities, all Counties, Municipalities and other political subdivisions of the State and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds in their control or belonging to them.

Section 22. Dissolution of the Corporation and Vesting of Title of Property in Determining Subdivision. At any time when an Authority has no Bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Judge of Probate with which the Authority's certificate of incorporation is filed, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the Determining Subdivision.

Section 23. Existence of an Authority Not to Prevent Incorporation of Another by the Same Determining Subdivision. The existence of an Authority incorporated under the provisions of this Act shall not prevent the subsequent incorporation hereunder of another Authority pursuant to authority granted by the same Determining Subdivision.

Section 24. Notice of Bond Resolution. Upon the adoption by the Board of any Authority of any resolution providing for the issuance of Bonds, such Authority may, in the discretion of its Board, cause a notice respecting the issuance of such Bonds to be published once a week for two consecutive weeks in each County in which shall be located any Facility financed or in any way assisted by the issuance of such Bonds, such publication in each such County to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or

secretary of such Authority: " _____, a public corporation and instrumentality of the State of Alabama, on the _____ day of _____, authorized the issuance of \$ _____ principal amount of bonds (or notes, as the case may be) of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said Bonds, or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert date determined in accordance with the provisions of the next paragraph of this section)."

The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the Bonds referred to therein must be commenced shall be a date at least thirty (30) days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in such notice or to contest the validity of any such Bonds, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right action or defense shall be asserted questioning or contesting the validity of such Bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such Bonds or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 25. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 26. Liberal Construction. This Act being remedial in nature, the provisions of this Act shall be liberally construed to effect its purpose.

Section 27. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 28. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Olive, Owens, Parker, Patton, Payne, Pegues,

Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nays: Reps.: Hall, Holley and Shavers.

—3

And the bill:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notes of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by

Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adama (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—72

Nays:

Reps.: Clark (C), Hall, Holley, Manley, Patton, Shavers and Williams.

—7

And the bill:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Was read a third time at length and passed.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—70

Nay: Rep. Holley.

—1

And the bill:

H. 412. (With Amendment): To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger with minimum road frontage of 400 front feet, such size tracts shall not be subject to the requirement of taking a percolation test.

Was taken up.

The question was then on the adoption of the amendment offered by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 412 in the Synopsis, Page 1, at the beginning of Line 13 by striking ten and inserting in lieu thereof five.

Further amend House Bill 412 on page 2, Section 1, Subsection c on line 24 by striking 10 and inserting in lieu thereof 5.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 412 as amended:

Amend House Bill 412, in the Synopsis, Line 13, after the word "larger" by striking with minimum road frontage of 400 front feet.

Further amend the bill in the Title, Line 26, after the word "larger" by striking with minimum frontage of 400 front feet.

Further amend the bill on Page 2, Section 1, Subsection "(c)", Line 25, after the word "larger" by striking, with minimum road frontage of 400 front feet.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—79

And the bill:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts,

Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—75

Nay: Rep. Holley.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 154. MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

Also:

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Also:

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Also:

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

Also:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Also:

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to

remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-79 and 1979-1980.

Also:

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Also:

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Also:

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Also:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

MCDOWELL LEE,
Secretary.

BILLS ON SPECIAL ORDER RESUMED

And the bill:

H. 628. To rename the board of corrections the department of corrections.

Was taken up.

AMENDMENT OFFERED

Rep. Hines offered the following amendment to the bill, H. 628:

In the Synopsis, line 9 after the language: "renames the" insert the word former.

In the Title, line 16 after the language "renames the" insert the word former.

In Section 1, line 20 after the word "the" insert the word former.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hammett, Harper (O), Harper (T), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Manley, Minus, Mitchell, Naramore, Olive, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—62

Nay: Rep. Grouby.

—1

And the bill:

H. 628. To rename the former board of corrections the department of corrections.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—72

And the bill:

H. 478. (With Substitute) (With Amendment): Relating to all Alabama public school systems; to require that members of county and city boards of education be elected and that all such boards shall appoint the superintendent of education for the county or the city.

Was taken up.

SUBSTITUTE OFFERED

Rep. Greer offered the following substitute to the bill, H. 478 with pending substitute and amendment reported by the Standing Committee on Education:

A BILL
TO BE ENTITLED
AN ACT

Relating to all Alabama public school systems; to require that members of county and city boards of education be elected and that all such boards shall appoint the superintendent of education for the county or the city.

Be It Enacted by the Legislature of Alabama:

Section 1. All members of county and city Alabama public school boards of education shall be elected by the qualified electors under their jurisdiction and such boards are hereby required to appoint a superintendent of education at the expiration of the term of the present superintendent. Said superintendent shall be appointed to serve at the pleasure of the county or the city board of education subject to provisions of Title 16, Chapter 9 and Chapter 12, Code of Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective in 1981, after its passage or approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE

Rep. Coburn offered the motion to table the substitute offered by Rep. Greer to the bill, H. 478.

H. 478 INDEFINITELY POSTPONED

On substitute motion of Rep. Warren, the bill, H. 478 with pending amendments, was indefinitely postponed.

Yeas 65; Nays 29.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Grouby, Hall, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Parker, Payne, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren and Wyatt.

—65

Nays:

Mr. Speaker, Adams (H), Biddle, Carothers, Carter, Cheatwood, Coburn, Dial, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Hammett, Harper (T), Kelley, Laird, Minus, Olive, Owens, Patton, Riddick, Roberts, Smith (J), Turnham, Waggoner, Ward and Williams.

—29

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Manley offered the motion to reconsider the vote by which the bill, H. 478 with pending amendments was indefinitely postponed.

MOTION TO RECONSIDER TABLED

On motion of Rep. Manley, the motion offered by him to reconsider the vote by which the bill, H. 478 with pending amendments, was indefinitely postponed, was tabled.

Yeas 51; Nays 37.

Yeas:

Reps.: Adams (C), Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Cooley, Cosby, Daniels, Dixon, Edwards, Grouby, Hall, Hammett, Harper (O), Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Naramore, Nevett, Parker, Pegues, Penry, Ray, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Trammell, Turner, Venable and Warren.

—51

Nays:

Mr. Speaker, Adams (H), Albright, Barton, Boles, Carothers, Cheatwood, Coburn, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Harper (T), Harrison, Johnson (Roy), Laird, McKee, Mitchell, Olive, Owens, Patton, Payne, Rains, Reed, Roberts, Sasser, Smith (J), Stewart, Turnham, Ward, Williams, Willis and Wyatt.

—37

And the bill:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Hines,

Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Waggoner, Ward, Williams, Willis and Wyatt.

—82

Nay: Rep. Gafford.

—1

And the bill:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—84

And the bill:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—78

Nays: Reps.: Coburn and Goodwin.

—2

And the bill:

H. 204. (With Substitute): To provide that county commissions shall meet on the same day of the following week if the regular meeting day falls on a legal public holiday.

Was taken up.

The question then was on the adoption of the substitute reported by the Standing Committee on Local Government, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

Be It Enacted by the Legislature of Alabama:

Section 1. When the regular meeting day of a commission falls on a legal public holiday, the county commission may meet on any day of the following week instead of on such holiday, provided that at least 3 days prior notice of the meeting time and place appears in a newspaper having county-wide circulation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Ward, Williams, Willis, Wyatt and Zoghby.

—65

Nays: Reps.: Gafford and Moore.

—2

And the bill:

H. 204. To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Ward, Williams, Willis, Wyatt and Zoghby.

—75

Nays: Reps. Gafford and Moore.

—2

MOTION TO ADJOURN LOST

The motion offered by Rep. Gafford that the House adjourn until 9:00 o'clock a.m., Thursday, April 3, 1980, was lost.

Yeas 37; Nays 42.

Yeas:

Mr. Speaker, Adams (H), Biddle, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Dial, Edwards, Gafford, Goodwin, Grimsley, Harper (O), Hilliard, Holley, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Manley, Minus, Moore, Reed, Roberts, Sasser, Starkey, Stout, Warren, Whatley, Williams and Wyatt.

—37

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Cooley, Crow, Gilmer, Greer, Hammett, Harper (T), Hines, Howard, Johnson (R. G.), Lewis, McKee, McMillan, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Waggoner, Ward, Willis and Zoghby.

—42

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 569. Relating to Shelby County; increasing the expense allowance of the county coroner.

Also:

H. 652. Relating to Calhoun County; to authorize the tax assessor and tax collector to collect a commission of not exceeding one percent respectively for the assessment and collection of property taxes levied by municipalities in the county.

Also:

H. 653. Relating to Calhoun County; relating to the office of District Attorney, which provides for the payment of salary and expenses of an investigator appointed by the District Attorney in said county.

Also:

H. 675. Relating to Calhoun County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county.

Also:

H. 690. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Also:

H. 696. Relating to the City of Fort Payne in DeKalb County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for the eligibility in run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 704. To amend Act No. 881, S. 690, 1978 Regular Session, (Acts 1978, p. 1310) which amended Act 418, S. 358 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to delete the provision in Section 2 of said amendatory act that provided for the applicability of the act only for fiscal years 1978-1979 and 1979-1980.

Also:

H. 706. Relating to DeKalb County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 717. Relating to Marion County; to provide an additional expense allowance for the county superintendent of education.

Also:

H. 727. Relating to Covington County; to provide for an additional expense allowance for the members of the board of equalization of said county.

Also:

H. 728. Relating to the Twenty-Second Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 748. Relating to St. Clair County; providing for an additional expense allowance for the Probate Judge.

Also:

H. 754. To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled, "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Also:

H. J. R. 154. MOURNING THE DEATH OF JAMES CLEVELAND OWENS, NATIVE ALABAMIAN, OLYMPIC GOLD MEDALIST AND A GREAT AMERICAN.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:35 P.M. on April 1, 1980.

H. 394.

H. 693.

H. J. R. 93.

H. J. R. 139.

H. J. R. 140.

H. J. R. 141.

H. J. R. 143.

H. J. R. 147.

H. J. R. 148.

H. 593. (Executive Amendment).

REGULAR SESSION
18th Day

867

Delivered to the Governor at 5:10 P.M. on April 1, 1980.

H. 569.

H. 652.

H. 653.

H. 675.

H. 690.

H. 696.

H. 704.

H. 706.

H. 717.

H. 727.

H. 728.

H. 748.

H. 754.

H. J. R. 154.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Goodwin and pursuant to the resolution, H. R. 149, heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, April 3, 1980.

Yeas 49; Nays 27.

Yeas:

Mr. Speaker, Adams (H), Blake, Boles, Bowling, Brakefield, Buskey, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Parker, Patton, Ray, Reed, Roberts, Shoemaker, Starkey, Stout, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—49

Nays:

Reps.: Adams (C), Amari, Barton, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Crow, Greer, Johnson (R. G.) Lewis, McKee, McMillan, Mitchell, Naramore, Olive, Payne, Pegues, Rains, Seibels, Smith (C), Smith (M), Stewart, Ward and Zoghby.

—27

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 3, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Sanford Colley, University of Montevallo, Montevallo, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 160. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 4, 1980, we adjourn to meet again on Tuesday, April 8, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 160, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Gilmer, leave of absence was granted for Rep. Cobb, due to illness.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

Said amendment being as follows:

Amend HJR 155, Line 14, after the word "Alabama" by striking House of Representatives and inserting in lieu thereof Legislature.

Further amend the resolution on line 32 after the word "the" by striking HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE and inserting in lieu thereof LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING

On motion of Rep. Pegues, the amendment was adopted.

On motion of Rep. Pegues, the resolution, H. J. R. 155 as thus amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

On motion of Rep. Pegues, the resolution, H. J. R. 159 was adopted.

Also:

H. J. R. 157. HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

On motion of Rep. Pegues, the resolution, H. J. R. 157, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 161. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 3, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Mr. Owens:

H. 537. p. 6S Walker College Appropriation

By Mr. Owens:

H. 536. p. 5S Talladega College Application

By Mr. Owens:

H. 534. p. 5S Marion Military Institute Appropriation

By Mr. Owens:

H. 535. p. 5S Lyman Ward Military Academy Appropriation

By Mr. Owens:

H. 538. p. 6S Tuskegee Institute Appropriation

By Mr. Owens:

H. 532. p. 3S Education Budget as Substituted and Amended

By Mr. Owens:

H. 572. p. 4S Salary increase for all certified employees & full-time support personnel in education system

By Miss Smith (M):

H. 576. p. 46 Capitol security police officers

By Mrs. Bedsole:

H. 42. p. 19S Non resident aliens to report owned or leased land

By Mr. Lewis:

H. 384. p. 69 Issuance of motor vehicle license plates

By Mr. Sasser:

H. 198. p. 74 Alcohol manufactured for use in internal combustion engines

By Mr. Adams (C):

H. 459. p. 39 Regulation of extensions of credit

By Mr. Grouby:

H. 164. p. 76 Re-open Employees' Retirement System of Alabama

By Mr. Owens:

H. 432. p. 44 Civil Air Patrol vehicles

By Mr. Smith (C):

H. 669. p. 88 Minimum of 75 days, first four scholastic months

By Mr. Adams (C):

H. 460. p. 39 Savings and Loan Associations, rate of interest

By Mr. Cates:

H. 355. p. 16 School boards to transfer within line items

By Mr. Riddick:

H. 421. p. 75 Circuit and District Courts, fees of service of process

By Mr. Smith (J):

H. 509. p. 65 Relating to parole of certain inmates

By Mr. Payne:

H. 261. p. 42 Salaries, Chief & Ass't Chief Examiner of Public Accounts

By Mr. Kelley:

H. 558. p. 66 Ala. Housing Finance Authority

By Mr. Sasser:

H. 201. p. 19 Jury strike system

By Mr. Sasser:

H. 202. p. 20 Jury strike system

By Mr. Lewis:

H. 4. p. 51 Public housing accommodations

By Mr. Smith (C):

H. 671. p. 17S Soybean promotion

By Mr. Carothers:

H. 586. p. 69 Auctioneers, licensing

By Mr. McKee:

H. 170. p. 42 State nurseries, forest tree seed and seedlings

By Mr. Adams (C):

H. 701. p. 80 Federal Aid Highway Finance Authority

By Mr. Adams (C):

H. 702. p. 81 Equipment Replacement Surplus Reserve Account or Fund

By Mr. Payne:

H. 505. p. 73 Competitive bidding, medical clinics

By Mr. Smith (C):

H. 457. p. 32 Executing and service of process, by mail

By Mr. Biddle:

H. 453. p. 21S Compensation of sheriffs

By Mr. Bowling:

H. 466. p. 53 Certain public assistance recipients

By Mr. Boles:

H. 417. p. 72 Classified merit or civil service positions

By Mr. Bennett:

H. 19. p. 28 Election officers

By Mr. Dixon:

H. 152. p. 84 Garnishment for child support

By Mr. Drinkard:

H. 768. p. 16S State banking corporations

By Mr. Stewart:

H. 530. p. 73 prohibit trains from entering area due to weather conditions

By Miss Smith (M):

H. 577. p. 71 Capitol security police officers

By Mr. Venable:

H. 622. p. 89 Absentee voting

By Mr. Gullledge:

S. 44. p. 62 Qualifications for county engineers

By Mr. Kelley:

H. 518. p. 86 Escrow accounts, administration of investments

By Mrs. Zoghby:

H. 498. p. 60 Streets or alleys, land being vacated

By Mr. Greer:

H. 545. p. 76 Prisoners of war, special license plates

By Mr. Cabaniss:

H. 178. p. 25 Annual list of insurance agents and insurers, publication

By Mr. Mitchell:

H. 300. p. 71 Office of State Toxicologist

By Mr. Barton:

H. 709. p. 78 Tax assessors and/or tax collectors, fees

By Mr. Biddle:

H. 747. p. 82 Public water supply systems

By Mr. Bowling:

H. 745. p. 83 Miniature containers for alcoholic beverages

By Mrs. Bedsole:

H. 259. p. 27 Local board of education, filling vacancies

On motion of Rep. Pegues, the resolution, H. R. 161, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

Said amendment being as follows:

Amend House Resolution 156 on line 31, after the word "THE" by striking HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE and inserting in lieu thereof LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING.

On motion of Rep. Pegues, the amendment was adopted.

On motion of Rep. Pegues, the resolution, H. J. R. 156 as amended, was adopted

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

On motion of Rep. Pegues, the resolution, H. J. R. 144, was adopted.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 865. To provide that the Physician For The Day Program be exempted from the provisions of §§ 36-25-1 through 36-25-30 of the Code of Alabama, 1975; to provide that this exemption shall include physicians physically present at the Capitol as well as physicians to whom legislators are referred; and, to provide that the physician for the day or anyone administering the Physician For The Day Program shall have the right and authority to utilize the State Telephone Network.

H. 864. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as

contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 217. (With Amendment): To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 866. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 8,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections; and to further provide authority for the sale of alcoholic beverages in state parks in dry counties under the supervision of the Alabama alcoholic beverage control board pursuant to Chapter 3 of Title 28, Code of Alabama 1975.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 705. (With Amendment): To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties while operating a motor vehicle or equipment in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 844. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 619. (With Substitute)(With Amendment): To prohibit the possession or carrying of firearms in any building where alcoholic beverages are sold or at any such premises which is licensed for such purposes by any agency of the State of Alabama or by any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 422. (With Substitute): To amend § 15-9-62, Code of Alabama 1975, which section relates to the payment of expenses involved in returning an accused to Alabama; to provide that such expenses may at the direction of the court be taxed as costs against the defendant upon conviction; it further provides that if the defendant is not convicted, or if the judge fails to tax such as costs upon a conviction, and the crime is punishable by confinement in the penitentiary of death, the expenses shall be paid out of the state treasury, on the certificate of the governor and warrant of the comptroller; and in all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 863. To amend Section 44-1-21, Code of Alabama 1975 by adding a provision for police officers for state youth service facilities.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Substitute): To amend Section 13A-8-22 of the Alabama Criminal Code which makes it a criminal offense to obscure the identity of a vehicle by broadening the definition of a "vehicle" and by adding a provision that "vehicles" and component parts thereof on which the manufacturer's identification number has been removed or rendered unidentifiable shall be contraband and subject to forfeiture; and to provide procedure for such forfeiture and for the ultimate disposition of such vehicles and parts.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 118. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 666. (With Amendment): To prohibit the payment of public assistance to unwed mothers with dependent children.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 870. To amend the title and Sections 1 and 3 of Act No. 79-676, S. 443 of the Regular Session (Acts 1979, p. 1198) relating to the further regulation of architects and the practice of architecture so as to include professional engineers within such regulation.

H. 614. To amend Section 40-12-258, Code of Alabama 1975, which relates to the payment of registration fees on motor vehicles, the placement of license tags on vehicles, and the issuance of receipts in triplicate for said tags, so as to provide for a daily penalty after a certain time interval when the judge of probate or county license commissioner or county revenue commissioner is delinquent in remitting one copy of the receipt to the department of revenue.

H. 740. To amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131 of the Code of Alabama 1975, which relate to the Alabama Board of Funeral Service and provide for the licensing of funeral directors, embalmers and funeral establishments so as to increase various license fees; and to further provide for the licensing of apprentices by lowering the age restriction and requiring that the period of apprenticeship be performed in Alabama.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 312. (With Amendments): To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-24, 34-7-6, and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-13, 34-7-14, 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 867. To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an administration fee; and

to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

H. 856. To amend Section 41-14-2 of the Code of Alabama 1975, relating to the deposit of securities and bonds, so as to include revenue bonds of the state of Alabama in the required sixty percent of the first \$10,000 principal amount for deposit.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 642. (With Substitute): To prohibit at certain times of the year the use of airboats of any of the public waters of this State and to provide penalties therefor.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 861. To provide for the issuance of distinctive license plates to recipients of the Medal of Honor.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 834. To provide that no municipality whose corporation limits do not lie within or extend into the embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee or any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session

1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 620. Relating to the Fifteenth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies or upon appeals to the circuit courts from lower courts.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 720. (With Substitute): Relating to Montgomery County; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to prescribe violations and offenses, and provide for the imposition of fines, penalties and the suspension or revocation of licenses; to provide for the affixing of a distributor's stamp to all table wine sold in retail licensees; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft of keg beer; and to provide for a referendum election on this subject in said county.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 869. Proposing an amendment to the Constitution of Alabama relating to the offices of tax assessor and tax collector in Montgomery County and providing for the transfer of the duties relating to the assessment and collection of ad valorem taxes on motor vehicles of said offices to another office.

The above bill was read a second time at length as required by the Constitution.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 815. (With Substitute) (With Amendment): To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 688. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 632. (With Amendment): To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of malt or brewed beverages.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 305. To amend Section 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$1,000.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 665. (With Substitute): To levy an additional tax on tobacco or cigarette rolling papers that are sold separately and authorize the Department of Revenue to issue such regulations, including but not limited to, the preparation and distribution of stamps denoting the tax, as are necessary to fulfill the purposes of this act.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 84. (With Amendment): To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state during the 1980-81 fiscal year; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be used for Medicaid purposes.

H. 85. (With Amendment): To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax and to provide that such additional taxes shall terminate on September 30, 1981.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 522. (With Substitute) (With Amendment): To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of the Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 523. (With Substitute): To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 524. (With Substitute) (With Amendment): To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be used for Medicaid purposes.

RESOLUTION

The following resolution was introduced:

By Reps. Manley and Pegues:

H. J. R. 162. COMMENDING MARENGO COUNTY SHERIFF WILLIAM H. SMITH, JR., FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE AREA OF PENAL REFORM.

WHEREAS, in a time of crisis for many of our state's county jails due to overcrowding and limited finances and other resources, the Marengo County facility serves as a model operation of efficiency and positive reform, a result primarily of the foresight and initiative of Sheriff William H. "Billy" Smith, Jr.; and

WHEREAS, even prior to a 1975 court order enjoining state prisons from accepting inmates from the counties until our state's correctional population was reduced, Sheriff Billy Smith already was in the process of transforming his county's traditional system into one which has received national recognition for its phenomenal success; his facilities, additionally, because of a decrease in the recidivism rate of inmates, have proved capable of housing those prisoners sentenced to state terms, yet left in Marengo County; and

WHEREAS, Sheriff Smith's innovative program involves several areas of inmate services made available through cooperative efforts between the Sheriff's Department and various state agencies, most particularly the West Alabama Mental Health Center and also the Alabama Department of Education and the Alabama Rehabilitation Service, as well; work release programs, increased levels of inmate responsibility, GED testing, programs for the handicapped and mentally retarded, and a volunteer skills training program have all served to transform the Marengo County jail into a model of penal reform; and

WHEREAS, in 1978, the Marengo County jail was selected as one of seven model jails nationwide, chosen by the Western Interstate Commission for Higher Education and, in 1979, Sheriff Smith's program received the National Rural Justice Award by the American Rural Health Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commended William H. "Billy" Smith, Jr., for outstanding and continuing accomplishments during his tenure as Sheriff of Marengo County, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Sheriff Smith in token of our appreciation and as evidence of our high praise and esteem.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 162, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 207, with signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

DONE THIS 25th DAY OF MARCH, 1980.

To The Alabama Senate
State Capital
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 207 without my signature and approval and with the following suggested Executive Amendments. The first would limit the application of this bill to Talladega County and insure that the bill would indeed be a local bill in its effect. Also, the provision that would "require" any other television cable service in the state to interconnect with the Lincoln System is eliminated, and the provision that would subject any failure to agree with such a request for interconnection to the jurisdiction of the Alabama Public Service Commission is likewise eliminated.

In Section 2, Line 36 following the word "territory" add the words "within Talladega County."

In Section 6, Line 25 following the word "right", remove the words "to require" and add in lieu thereof the words "to agree with". Also in Section 6, Line 32 following the word "subscribers," remove the words "In the event such" and delete lines 33 through 38 in their entirety.

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

FOB JAMES.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 207, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25 Nays 0.

And said Bill, S. B. 207, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 207, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 46; Nays 1.

Yeas:

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Carothers, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, McKee, Manley, Mitchell, Moore, Naramore, Olive, Pegues, Penry, Rains, Ray, Reed, Seibels, Shoemaker, Starkey, Stewart, Whatley, Williams, Willis and Wyatt.

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Nay: Rep. Dial.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of

the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Biddle, Blake, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Laird, Langford, Manley, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Rains, Ray, Reed, Riddick, Seibels, Shoemaker, Starkey, Stewart, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. McDonald, Pearson and St. John:

S. 461. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the general fund of the state treasury for the purposes of emergency-crisis use in administering the medicaid program through medical services administration as determined by the emergency funding council; to create said council and to give it certain powers and duties; to provide further for the use of such unencumbered and unappropriated fund transfers, so as to require a portion thereof be used for the payment of cost-of-living increases authorized by Act No. 79-724, H. 953 of the 1979 Regular Session (Acts 1979, p. 1283), for the fiscal year ending September 30, 1980.

Also:

By Mr. Pearson:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Also:

By Messrs. Proctor, St. John, deGraffenried, Keener, Robertson, Denton, Holmes, Barron, Mitchem, Harrison, Martin, Britnell, Lemaster, Kirkland, Parsons, Hall, Vacca, Bailey, Goodwin, Taylor, Little, Gulledge, Teague, Cook, McDonald, Pearson, Weeks and Smith:

S. 452. To amend Section 1 and Section 2 of Act 79-540 (H. 580) so as to remove the requirement for an unappropriated ending balance.

Also:

By Messrs. Higginbotham, Gulledge, Vacca, Keener, Proctor, White, Martin, Taylor, Parsons, Clemon, Teague, Cook, Figures, Pearson, Weeks, Bailey, Glass and Kirkland:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 461. Ways and Means.

S. 242. Ways and Means.

S. 452. Ways and Means.

S. 383. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Britnell:

S. 169. To provide for payment of the dollar value of accrued sick leave to the credit of former State Highway Department employees at the time that they elected to transfer to county employment under the provisions of Act No. 79-688, H. 540 of the 1979 Regular Session of the Legislature; to provide that funds for payment will be placed in an escrow account in the State Treasury; to provide that these funds will be paid to the county of employment monthly

as said former State Highway Department employees use the accrued sick leave days or if said former employees do not use all of said accrued sick leave by the time of their retirement from county service, then to pay the county of employment 50% of the dollar value of the remaining accrued sick leave to the credit of said former State Highway Department employee; to provide that funds shall be appropriated from the State General Fund; to provide that provisions of this act shall be retroactive to August 1, 1979; and to provide for the termination of the escrow account.

Also:

By Mr. Pearson:

S. 102. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Also:

By Mr. Pearson:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 169. Ways and Means.

S. 102. Ways and Means.

S. 103. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Holmes (With Notice and Proof):

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 487 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 487. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Proctor (With Notice and Proof):

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 123 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Teague (With Notice and Proof):

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 459 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Proctor (With Notice and Proof):

S. 455. Relating to Talladega County; to amend Section 2 of Act No. 660, H. 978, 1978 Regular Session (Acts 1978, p. 952), providing for a supplementary salary to the district judges so as to provide further for such salary.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 455 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 123. Local Legislation No. 1.
- S. 459. Local Legislation No. 1.
- S. 455. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Cook:

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

Also:

By Mr. Cook:

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meeting of the commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 23. Ways and Means.
- S. 24. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons:

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

Also:

By Mr. Pearson:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Also:

By Messrs. deGraffenried, Cook and Robertson:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 304. State Administration.

S. 243. Local Government.

S. 258. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. Keener:

S. 3. To be known as the Keener Administration Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 3. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 116. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Proctor, Parsons, Cook and Vacca:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

Also:

By Mr. Bailey:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for the certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

Also:

By Mr. Smith:

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

Also:

By Mr. Smith:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U. S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 309. Ways and Means.

S. 139. Ways and Means.

S. 294. State Administration.

S. 203. State Administration.

MOTION IN WRITING

Rep. Johnson (Roy) filed the following Motion in Writing:

Having voted on the prevailing side on House Bill 283 on the last legislative day, I move that the vote by which said bill failed to pass, be now reconsidered.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dixon, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 151, said Senate amendment being as follows:

Amend H. J. R. 151 Page 2, Line 7, by inserting after the word "Representatives" the following "and Alabama State Senate"

On motion of Rep. Dixon the amendment was adopted.

And the resolution, H. J. R. 151 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Martin:

S. J. R. 120. CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Patton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 120, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. McDonald:

S. J. R. 109. CHANGING THE NAME OF OLD JIM WILLIAMS ROAD IN MADISON COUNTY TO JIM WILLIAMS ROAD.

Also:

By Mr. Martin:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED 112 OFFICIALS SALARY COMMISSION.

Also:

By Mr. Martin:

S. J. R. 113. CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

By Messrs. Miller, Bailey and Weeks:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

By Messrs. Miller, Bailey and Weeks:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

Also:

By Messrs. Miller, Bailey and Weeks:

S. J. R. 116. CONGRATULATING MRS. BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 109 and S. J. R. 112, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

On motion of Rep. Roberts, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 113, the title of which is set out in the above and foregoing Message from the Senate.

The resolutions, S. J. R. 114, S. J. R. 115 and S. J. R. 116, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 163. HONORING MR. HUBERT HAWKINS OF HUNTSVILLE, ALABAMA, 1979 UNITED WAY "WORKER OF THE YEAR" FOR MADISON COUNTY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Holmes:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

Also:

By Mr. Parsons:

S. J. R. 100. PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OF ORDINARY AND NECESSARY EXPENSES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 96, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

On motion of Rep. Bennett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 100, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 102. COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS.

Also:

By Messrs. Miller, Little and Kirkland:

S. J. R. 106. CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

Also:

By Messrs. Miller and Little:

S. J. R. 107. MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 102, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 106, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 107, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

WHEREAS, the Governor of the State of Alabama and the Department of Mental Health are presently under federal court order mandating certain changes and improvements in the conditions for mentally ill and mentally retarded patients of the Alabama Department of Mental Health; and

WHEREAS, great expense will be incurred in complying with said court order; and

WHEREAS, the Department of Mental Health has various land holdings around the State; and

WHEREAS, the expeditious management and utilization of said lands could provide additional revenues thereby easing the burden on the state general fund in meeting the cost of implementing the federal court requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an interim study committee shall be formed to make a long range study of the utilization of the Department of Mental Health lands and consider the expansion of existing facilities, the sale or dedication to public or private use, and the most feasible utilization of said lands. The committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the President of the Senate, and three members of the general public, one each appointed by the Governor, the Speaker of the House, and the President of the Senate. The Speaker of the House and the President of the Senate shall be ex officio members of the committee with the chairman to be selected by and from among the membership. The committee shall meet on the call of the chairman. Said committee members shall receive compensation and payment for ordinary expenses for attending meetings up to a total sum of \$7,500. The three members of the general public shall also receive such remuneration for attending committee meetings and investigative sessions of the members. The committee shall make diligent inquiry and a full examination of Alabama's present and long term mental health needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the 15th legislative day of the 1981 Regular Session at which time the committee shall terminate.

BE IT FURTHER RESOLVED, That the committee shall be empowered to comply with their legislative mandate and responsibilities, that four persons, knowledgeable in land use, one each from the following areas, Examiners of Public Accounts, Revenue Department, Department of Agriculture and Industries and State Forestry Commission, be utilized and employed by the committee as needed to assist in ascertaining the status and the highest and best use of the lands by working individually in their respective areas, and collectively in related areas. The committee shall be further empowered to provide compensation for any consultant or person not presently employed in state service and said compensation shall be fixed in a reasonable amount plus any expenses as deemed necessary by the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Johnson (Roy) offered the motion to suspend the rules and adopt the resolution, S. J. R. 105, set out in the above and foregoing Message from the Senate.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the resolution, S. J. R. 105:

CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

WHEREAS, the Governor of the State of Alabama and the Department of Mental Health are presently under federal court order mandating certain changes and improvements in the conditions for mentally ill and mentally retarded patients of the Alabama Department of Mental Health; and

WHEREAS, great expense will be incurred in complying with said court order; and

WHEREAS, the Department of Mental Health has various land holdings around the State; and

WHEREAS proven management, utilization and possible sale of said lands could provide additional revenues thereby easing the burden on the state general fund in meeting the cost of implementing the federal court requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee be formed to make a study of the Department of Mental Health lands and consider the most feasible utilization of said lands. The committee shall be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the President of the Senate, and three members of the general public, one each appointed by the Governor, the Speaker of the House, and the President of the Senate. The Speaker of the House and the President of the Senate shall be exofficio members of the committee with the chairman to be selected by and from among the membership. The committee shall meet on the call of the chairman. Said committee members shall receive compensation and payment for ordinary expenses for attending meetings up to a total sum of \$7,500. The three members of the general public shall also receive equal expense allowance as the legislative members to be paid from funds appropriated to the Governor's office for attending committee meetings. The committee shall file a report of its findings and recommendations with the Governor, Lt. Governor, Speaker of the House and with each member of the Senate and House by the first legislative day of the 1981 Regular Session and shall be terminated on said first legislative day of the 1981 Regular Session; and

BE IT FURTHER RESOLVED That the committee shall be empowered to require four persons knowledgeable in land value and use to assist them as needed with one person to be supplied from each of the following state agencies: Department of Examiners of Public Accounts, Department of Revenue, Department of Agriculture and Industries and the State Forestry Commission. Said representatives of state agencies shall be utilized and employed by the committee as needed to assist and ascertain the status, current value or fair market value, and highest and best use of each tract owned, leased or under the control of the State Department of Mental Health; also

BE IT FURTHER RESOLVED That as a part of the committee's final report the Governor, the Lieutenant Governor, Speaker of the House and each member of the Senate and House be supplied with a comprehensive listing of every piece of real estate owned by the Department of Mental Health, said listing to be alphabetical in order by counties showing the following points of information:

- (1) Its legal description and total acreage
- (2) Its current value or fair market value.
- (3) How it is presently being used by the Department of Mental Health.
- (4) The committee's recommendation for sale, retention, usage at present or other recommendation for its use.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay.

On motion of Rep. Manley, the substitute was adopted.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 105, as amended, was adopted.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Campbell, Willis, Blake and Crowe:

H. J. R. 164. DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS "CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the fifth annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 7-12, 1980; and

WHEREAS, We salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 7-12, 1980, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 164, was adopted.

Also:

By Reps. Starkey, Coburn and Greer:

H. J. R. 165. CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

WHEREAS, the University of North Alabama basketball teams have made the NCAA Division II national playoffs by finishing among the top four teams in the country three of the past four years; and

WHEREAS, in 1979, UNA became the first school in Alabama to win an NCAA national championship and subsequently, in 1980, became the first to defend an NCAA title; and

WHEREAS, it is to be further noted that the University of North Alabama Lions have taken part in fifteen Division II playoff games since 1977 with a 12-3 overall record in such competition; and

WHEREAS, Coach Bill Jones has won 115 games and lost only 53 in his six seasons as Head Coach at his Alma Mater, UNA; he is assisted by Coach Wendell Hudson and student assistant coach Tim Morgan and his team's trainers are Johnny Long and Alec Winston; and

WHEREAS, UNA's 1980 cagers featured a first-team Division II All-America selection in senior guard Otis Boddie who played, as did senior forward Garry Moore and senior center Gerald Lavender, on four Lion teams which posted an average of 21 victories per season; players Johnny Buckmon, Albert Owens, Robert Taylor, Tim McCormick, Pat Lewallen, Gary Mitchell, Mark Smith, Lawrence Collier, Garry Golden and James Graham complete UNA's outstanding roster of stars, each of whom greatly contributed to the Lions' tremendous 1980 season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the UNA Lions on their outstanding season and on their many past accomplishments in NCAA basketball competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Head Coach Bill Jones on behalf of his assistants, team managers and the entire team.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Rep. Hammett:

H. J. R. 166. MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the untimely death of Mark Wise in Birmingham, Alabama, on March 22, 1980, at the young age of just 22; and

WHEREAS, a native and lifelong resident of Andalusia, Mark's death came just shortly before he was to graduate from the Auburn University School of Business and receive his commission as a regular Army Lieutenant in the United States Infantry; and

WHEREAS, Mark's extraordinary potential for responsible adulthood was early evidenced by his outstanding achievement as a Scout, a member of Troop 46 and later of Post 46 as an Explorer; becoming an Eagle Scout in 1974, he was tapped into the Order of the Arrow, served as an Assistant Scoutmaster and attended the National Scout Jamboree in Moraine State Park, Pennsylvania, and had also served as staff member at Philmont Scout Ranch in New Mexico; and

WHEREAS, he was a 1976 graduate of Andalusia High School where he was the school photographer, band member, Key Club member, representative of Alabama Boy's State and an award participant in JROTC; and

WHEREAS, during his four years at Auburn, Mark Wise excelled in the University's Army ROTC program and was commander of the War Eagle Ranger Company; he was a recipient of two ROTC scholarships, was awarded the Black Beret of the AU War Eagle Ranger, was a member of the Auburn University Pershing Rifles and, additionally, was a graduate of the Airborne School at Ft. Benning, earning his wings as a paratrooper, and a later graduate of the Air Assault School, Ft. Campbell, Kentucky; and

WHEREAS, a certified scuba diver and vice president of Wise Tractor Company, Mark was a member of Delta Sigma Phi and of the First United Methodist Church of Andalusia; now therefore,

BE IT RESOLVED BY THE LERISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mark Wise of Andalusia, Alabama, an outstanding young man and citizen of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his parents, Mr. and Mrs. Saxton Wise, that they may know of our concern for them in their time of grief and that we deeply share the sorrow of their loss.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 166, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Bedsole:

H. 874. To establish a certificate of need program to be administered by the state health planning and development agency relating to the provisions of health care facilities and services in Alabama; to require a review and determination of need for major medical equipment, institutional health services and substantial expenditures prior to being undertaken; to require that the state health planning and development agency shall prescribe rules for said review; to provide for judicial review of any determinations made; to provide for injunctive relief for violations; to establish a fee schedule for applications for certificates of need; to provide for periodic appropriations from the general funds as are needed; and repeals Section 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama 1975.

Ways and Means.

By Rep. Bedsole (With Notice and Proof):

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No.243, H. 278, First Special Session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the City of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the Police and Fire Departments of the City of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the Police or Fire Departments upon compliance with certain requirements will be given credit for all years of service with the City of Mobile on the Pension Roll of the Policemen and Firemen Pension and Relief Fund.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 876. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

Ways and Means.

By Reps. Greer, Boles, Naramore and Coburn:

H. 877. To provide for the levy and collection of a sales tax upon the sale of soft drinks, soft drink syrups, simple syrups and soft drink powders and base products offered for sale in bottles, cans, containers; to provide for the regulation and collection of said tax by the Department of Revenue; and to provide for the distribution of proceeds from said tax.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 878. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 879. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts. 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stout, Harvey, Campbell, Patton, Cooley, Minus and Clark (G):

H. 880. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Judiciary.

By Reps. Roberts, Dixon and Carter:

H. 881. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the general fund of the state with a sufficient amount of such moneys being used in the administration of the act; and to prescribe penalties for violation of the act.

State Administration.

By Rep. Waggoner (With Notice and Proof):

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rains:

H. 883. To provide for participation in the Employees' Retirement System by blind vendors associated with the Business Enterprise for the Blind administered by the Division of Rehabilitation and Crippled Children Service of the state Department of Education; and to authorize annual appropriations from funds available to the Division of Rehabilitation and Crippled Children Service in amounts sufficient to carry out the provisions of this act.

Ways and Means.

By Reps. Smith (C), Drinkard, Ford, Bowling, McKee, Laird, Ward and Bedsole:

H. 884. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age of a person to attempt to purchase, to purchaser, consume, possess or to transport alcoholic beverages.

State Administration.

By Rep. Adams (C):

H. 885. To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies terminated; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business; to provide that the legislature may have any agency reviewed by the sunset committee by passing a joint resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

State Administration.

By Reps. Venable, Parker, Crow, Whatley, Shavers, Naramore, Willis, Blake, Stewart, Dixon, Wyatt and Grouby:

H. 886. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering the barber colleges and providing penalties for violations of this act.

Health.

By Rep. Hilliard:

H. 887. To provide for the filing of all exhibits offered as evidence at a trial with the clerk of the trial court.

Judiciary.

By Rep. Hilliard:

H. 888. To amend Sections 10-3-9 the Code of Alabama 1975 relating to filing fees and other charges for nonprofit organizations so as to require such corporations to register with the Judge of Probate and to pay a registration fee which is to be remitted to the Franchise Tax Division of the Department of Revenue to be deposited to the general fund.

Judiciary.

By Reps. Turnham and McCorquodale:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

Natural Resources.

MOTION TO RECONSIDER ADOPTED

Having previously filed a Motion in Writing and voted on the prevailing side, Rep. Johnson (Roy) offered the motion to reconsider the vote by which the bill, H. 283, was lost, and the motion to reconsider was adopted.

Yeas 45; Nays 12.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Clark (W), Coburn, Cooley, Crow, Drinkard, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Moore, Olive, Patton, Payne, Pegues, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Waggoner and Willis.

—45

Nays:

Reps.: Adams (C), Cheatwood, Daniels, Dixon, Grouby, Hilliard, Horn, Howard, Manley, Mitchell, Parker and Rains.

—12

H. 283 POSTPONED

On motion of Rep. Gafford, consideration of the bill, H. 283, was postponed to the twentieth legislative day.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Gafford, Gilmer, Grimsley, Hall, Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Manley, Minus, Mitchell, Moore, Olive, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Waggoner, Whatley and Willis.

—55

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 749. (With Amendment): Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 749 by adding the following words to line 17 in the title between the words "sheriff," and "tax collector", viz:

county superintendent of education, county commissioners,

Also, on line 22, in Section 1, between the words "sheriff," and "tax collector", add the following words, viz:

county superintendent of education, county commissioners,

And the amendment was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Brakefield, Campbell, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Dial, Greer, Grouby, Hall, Johnson (R. G.), Kelley, Laird, Langford, Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turnham, Ward, Whatley and Willis.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Biddle, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Dial, Edwards, Gafford, Greer, Grouby, Hall, Harvey, Johnson (R. G.), Laird, Langford, Moore, Naramore, Olive, Parker, Pegues, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turnham, Venable, Ward, Warren, Whatley and Willis.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Gafford, Grouby, Hall, Hammett, Harvey, Kelley, Laird, Manley, Moore, Naramore, Olive, Pegues, Ray, Reed, Roberts, Seibels, Starkey, Stewart, Stout, Trammell, Turnham, Waggoner, Ward and Willis.

—38

Nay: Rep. Langford.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Grouby, Hall, Hammett, Harvey, Johnson (Roy), Kelley, Langford, McMillan, Manley, Moore, Olive, Parker, Pegues, Ray, Roberts, Seibels, Smith (C), Starkey, Trammell, Turnham, Waggoner, Ward and Willis.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Manley, Moore, Olive, Parker, Pegues, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Hines, Johnson (R. G.), Johnson (Roy), Langford, McKee, Manley, Minus, Olive, Parker, Pegues, Ray, Reed, Roberts, Seibels, Shoemaker, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Willis and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 462. Relating to Jefferson County; to allow motor vehicle dealers, firms or wrecker or repair services that have abandoned motor vehicles on their property, to effectuate a public auction of such vehicles by advertising such vehicles in compliance with the notice of sale requirements of Code Section 32-13-4 and showing proof thereof to the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Blake, Brakefield, Carter, Cheatwood, Clark (W), Cosby, Crow, Edwards, Ford, Goodwin, Greer, Hall, Hilliard, Hines, Johnson (Roy), Kelley, Langford, Manley, Moore, Olive, Parker, Pegues, Seibels, Starkey, Stewart, Trammell, Turnham, Waggoner, Ward and Wyatt.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Cheatwood, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Hammett, Johnson (Roy), Langford, Manley, Moore, Olive, Owens, Parker, Pegues, Rains, Reed, Roberts, Seibels, Starkey, Stewart, Trammell, Turnham, Waggoner, Ward and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Cooley, Cosby, Crow, Dial, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Horn, Johnson (Roy), Kennedy, Laird, Langford, Manley, Moore, Olive, Owens, Parker, Pegues, Rains, Reed, Seibels, Starkey, Stewart, Trammell, Venable, Ward, Whatley and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—86

Nays: Reps.: Albright, Hall and Parker.

—3

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 151. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading as length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—84

Nays: Reps. Albright and Parker.

—2

And the bill:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers,

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Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—91

Nays: Reps. Albright, Hall and Parker.

—3

CO-SPONSOR ADDED

Rep. Ford was added as co-sponsor to the bill, H. 534.

And the bill:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—88

Nays: Reps. Albright, Hall, Parker and Riddick.

—4

And the bill:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Dixon,

Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps. Albright and Parker.

—2

And the bill:

H. 532. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4 Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for the efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3.

A. STATE AGENCIES

1. Academy of Honor, Alabama

(a) Historical Resources Management Program	950
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SOURCE OF FUNDS:

(1) ASETF	950	
Total Alabama Academy of Honor	<u>950</u>	<u>950</u>

2. Arts and Humanities, Council on the

(a) Fine Arts Program	1,100,000
(b) Birmingham Symphony	200,000
(c) Alabama Shakespeare Festival	25,000

SOURCE OF FUNDS:

(1) ASETF	525,000		
(2) Federal and Local Funds		<u>800,000</u>	
Total Council on the Arts and Humanities	<u>525,000</u>	<u>800,000</u>	<u>1,325,000</u>

3. Debt Service

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	214,525
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(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000
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For interest on Auburn University Endowment	20,280
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874,269

For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section lands, Estimated	410,000
Interest on School Indemnity lands, Estimated	90,000
Interest on Valueless 16th Section lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275
Total	659,744

SOURCE OF FUNDS:

(1) ASETF	874,269	
Total Debt Service	874,269	874,269

4. Dental Scholarship Awards, Board of

(a) Support of Other Educational Activities Program	228,000
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SOURCE OF FUNDS:

(1) ASETF	228,000	
Total Board of Dental Scholarship Awards	228,000	228,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of

(a) Instructional Technical Assistance Program	6,944,166
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The proposed spending plan for the above is as follows:

Right-to-Read	80,250
Career Education	105,600
Special Education Administration	525,000
Fire College	250,000

SOURCE OF FUNDS:

(1) ASETF	960,850		
(2) Federal & Local Funds.		<u>5,983,316</u>	
Total Instructional Technical Assistance Program	960,850	5,983,316	6,944,166

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program 12,451,560

The proposed spending plan for the above is as follows:

Coordination of In-School Television	114,159
School Bus Driver Training and Vehicle Safety Inspection	206,045
Free Textbooks	10,000,000
Testing	800,000
Plans and Surveys	71,132

SOURCE OF FUNDS:

(1) ASETF	11,191,336		
(2) Federal and Local Funds		<u>1,260,224</u>	
Total Local Agency Support Program	<u>11,191,336</u>	<u>1,260,224</u>	<u>12,451,560</u>
(c) Regulation Program			974,640
Teacher Certification and Accreditation	227,000		

SOURCE OF FUNDS:

(1) ASETF	227,000		
(2) Federal and Local Funds		<u>747,640</u>	
Total Regulation Program	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>

(d) Administrative Services Program 9,562,665

The proposed spending plan for the above is as follows:

Compact for Education	29,000
Operations & Maintenance of Department	1,950,000
Telephone Revolving Fund	1,200,000

SOURCE OF FUNDS:

(1) ASETF	3,179,000		
(2) Federal and Local Funds		<u>6,383,665</u>	
Total Administrative Services Program	<u>3,179,000</u>	<u>6,383,665</u>	<u>9,562,665</u>

The above appropriation shall include a transfer to the State Personnel Department of \$67,905.

(e) Adult Education Program ...			4,351,706
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The proposed spending plan for the above is as follows:

Adult Basic Education . 1,000,000

Community Education 96,000

SOURCE OF FUNDS:

(1) ASETF	596,000		
(2) Federal and Local Funds		<u>3,255,706</u>	
Total Adult Education Program ..	<u>1,096,000</u>	<u>3,255,706</u>	<u>4,351,706</u>

(f) Support of State Universities Program			256,833
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>256,833</u>	
Total Support of State Universities Program		<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Rehabilitation/Crippled Children Services Program			4,324,007
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>4,324,007</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program		<u>4,324,007</u>	<u>4,324,007</u>

(h) Disability Determination for Social Security Program			8,336,401
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SOURCE OF FUNDS:

(1) Federal and Local Funds:		<u>8,336,401</u>	
Total Disability Determination for Social Security Program		<u>8,336,401</u>	<u>8,336,401</u>

(i) Skill Enhancement and Employment Opportunities Program			8,181,221
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>8,181,221</u>	
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Total Skill Enhancement and Employment Opportunities Program	8,181,221	8,181,221
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(j) Support of Other Educational Activities		10,000
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The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents 10,000

SOURCE OF FUNDS:

(1) ASETF	10,000
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Total Support of Other Educational Activities	10,000	10,000
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For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Education Program	1,225,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc. 204,167

(2) Birmingham Regional Emergency Medical System

204,167

(3) North Alabama Emergency Medical Services, Inc. 204,166

(4) Southeast Alabama Emergency Medical Services System, Inc. 204,167

(5) East Alabama Emergency Medical Services, Inc. 204,166

(6) Southwest Alabama Emergency Medical Services Council, Inc. 204,167

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,225,000</u>		
Total Emergency Medical Services Education Program	<u>1,225,000</u>		<u>1,225,000</u>
(1) Health Services			41,550,140
Crippled Children Services Program	4,300,000	3,058,200	7,358,200
Hemophilia Program	300,000		300,000
Homebound Program	2,600,000		2,600,000
Rehabilitation Services Program	6,420,000	24,871,940	31,291,940

SOURCE OF FUNDS:

(1) ASETF	13,620,000		
(2) Federal and Local Funds		<u>27,930,140</u>	
Total Health Services	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

TOTAL DEPARTMENT OF EDUCATION

SOURCE OF FUNDS:

(1) ASETF	31,509,186		
(2) Federal and Local Funds		<u>66,659,153</u>	
Grand Total Department of Education	<u>31,509,186</u>	<u>66,659,153</u>	<u>98,168,339</u>
6. Employees Insurance, State ..			405,400

SOURCE OF FUNDS:

(1) ASETF	<u>405,400</u>		
Total State Employees Insurance	<u>405,400</u>		<u>405,400</u>
7. Employees Retirement, State ..			200,332

SOURCE OF FUNDS:

(1) ASETF	<u>200,332</u>		
Total State Employees Retirement	<u>200,332</u>		<u>200,332</u>

8. Examiners of Public Accounts

(a) Legislative Support-Audit Services Program			1,061,017
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For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF	<u>1,061,017</u>		
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Total Examiners of Public Accounts	1,061,017	1,061,017
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9. Fine Arts, Alabama School of

(a) Fine Arts Program		985,000
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SOURCE OF FUNDS:

(1) ASETF	900,000	
(2) Federal and Local Funds		85,000

Total Alabama School of Fine Arts	900,000	85,000	985,000
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10. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program		135,325
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The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	135,325	
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Total Alabama Firefighters' Personnel Standards and Education Commission	135,325	135,325
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11. Health, Department of Public

(a) Health Support Services Program		500,000
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program		750,000
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Provided however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF	<u>1,250,000</u>	
Total Department of Public Health	<u>1,250,000</u>	<u>1,250,000</u>

12. HIGHER EDUCATION,
COMMISSION ON

(a) Planning & Coordinating Services Program		961,405
(b) Alabama Student Assistance Program		2,318,607
(c) Alabama Student Grant Program		3,000,000

SOURCE OF FUNDS:

(1) ASETF	5,000,000		
(2) Federal and Local Funds		<u>1,280,012</u>	
Total Commission on Higher Education	<u>5,000,000</u>	<u>1,280,012</u>	<u>6,280,012</u>

The Alabama Student Grant funds are to be expanded in accordance with Act No. 90, 1978 Second Special Session

13. Historical Commission; Alabama

(a) Historical Resources Management Program		135,000
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SOURCE OF FUNDS:

(1) ASETF	<u>135,000</u>		
Total Alabama Historical Commission	<u>135,000</u>		<u>135,000</u>

The above appropriation shall be expended as follows:

Fort Toulouse	85,000
Historic Blakely Foundation	50,000

14. Industrial Development Training Institute, Alabama

(a) Industrial Training Program	1,660,000
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SOURCE OF FUNDS:

(1) ASETF	1,600,000		
(2) Federal and Local Funds		<u>60,000</u>	
Total Alabama Industrial Development			
Training Institute	<u>1,600,000</u>	<u>60,000</u>	<u>1,660,000</u>

15. Junior College School System

(a) Academic Instruction and Institutional Support Program ..	70,315,288
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SOURCE OF FUNDS:

(1) ASETF	43,564,095		
(2) Federal and Local Funds		10,235,056	
(3) State Funds		846,012	
(4) Other Funds		10,900,045	
(5) Auxiliary Enterprises		<u>4,770,080</u>	
 Total Junior College School System	 <u>43,564,095</u>	 <u>26,751,193</u>	 <u>70,315,288</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-15 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

16. Law Institute, Alabama

(a) Support of Other Educational Activities Program	211,000
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SOURCE OF FUNDS:

(1) ASETF	211,000		
 Total Alabama Law Institute	 <u>211,000</u>		 <u>211,000</u>

17. Legislature

(a) House and Senate Operations and Support Program	2,000,000
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SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>	
Total Legislature	<u>2,000,000</u>	<u>2,000,000</u>

18. Library Service, Public

(a) Public Library Service Program		4,159,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,700.

SOURCE OF FUNDS:

(1) ASETF	3,000,000		
(2) Federal and Local Funds		<u>1,159,162</u>	
Total Public Library Service	<u>3,000,000</u>	<u>1,159,162</u>	<u>4,159,162</u>

19. Marine Environmental Sciences Consortium

(a) Support of Other Educational Activities Program			652,353
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SOURCE OF FUNDS

(1) ASETF	512,000		
(2) Federal and Local Funds		<u>140,353</u>	
Total Marine Environmental Sciences Consortium	<u>512,000</u>	<u>140,353</u>	<u>652,353</u>

20. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program			711,000
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SOURCE OF FUNDS:

(1) ASETF	<u>711,000</u>		
Total Board of Medical Scholarships Awards	<u>711,000</u>		<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

21. Minimum Program and Public School Fund

(a) Financial Assistance Program			625,231,332
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SOURCE OF FUNDS:

(1) ASETF	600,554,847		
(2) Public School Fund		20,000,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>600,554,847</u>	<u>24,676,485</u>	<u>625,231,332</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 33,151 teacher units.

It is provided in the event there are more than 33,151 earned teacher units for the fiscal year 1980-81, then such amounts necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,796.18 for each earned teacher unit.

For "Principal Supplement" the sum shall not exceed \$100.00 for each allocated teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The funds resulting from earned units not allocated in 1980-81 to local school boards due to the implementation of "The Basic Skills in Education Act," are hereby appropriated to the State Board of Education for distribution to local boards of education for vocational education programs which extend beyond the minimum school term as established by the State Board of Education.

The above appropriation contained in sub-section (a) shall include on allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,743,784.

22. Board of Education

(a) Financial Assistance Program 94,751,103

SOURCE OF FUNDS:

(1) ASETF 94,751,108

Total Board of Education 94,751,108 94,751,108

(a) To be distributed by State Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 15,500,000

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, supervisory unit, full time support employee, and adult school bus drivers.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave 1,000,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal Leave. 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace Fees 10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance 6,000,000

(g) Continuation of funds previously granted for Special Education 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Educa-

tion for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L.94-142.

(h) Kindergarten teacher units 22,083,290

The above appropriation is for 1,280 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(i) Driver Education ... 6,500,000

23. Nursing, Alabama Board of

(a) Professional and Occupational Licensing and Regulation Program 607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ... 57,000

(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended 550,000

Total Alabama Board of Nursing 57,000 550,000 607,000

24. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Probate 80,000

(b) Certifield Law Enforcement Academy Programs	202,000
Jacksonville State University	50,500
University of Alabama	50,500
James H. Faulkner Jr. Col	50,500
Troy St. Univ. Montgomery	50,500
The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.	

SOURCE OF FUNDS:

(1) ASETF	<u>282,000</u>	
Total Alabama Peace Officers Standards and Training Commission	<u>282,000</u>	<u>282,000</u>

25. Physical Fitness, Commission on

(a) Advisory Services Program ..	76,000
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The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	<u>76,000</u>	
Total Commission on Physical Fitness	<u>76,000</u>	<u>76,000</u>

26. Postsecondary Vocational-Technical Education System

(a) Instructional and Institutional Support Program	48,334,921
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SOURCE OF FUNDS:

(1) ASETF	35,752,728		
(2) Federal and Local Funds		1,042,332	
(3) State Funds		563,944	
(4) Other Funds		7,691,145	
(5) Auxiliary Enterprises		<u>3,284,772</u>	
Total Postsecondary Vocational-Technical Education System ..	<u>35,752,728</u>	<u>12,582,193</u>	<u>48,334,921</u>

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3-A-26

not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

27. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated	69,400,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF	<u>69,400,000</u>	
Total Social Security	<u>69,400,000</u>	<u>69,400,000</u>

28. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated	170,073,900
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System	161,313,900	
(2) ASETF-Teachers' Special Pension Fund	<u>8,760,000</u>	
Total Retirement Systems Program (State's Share)	<u>170,073,900</u>	<u>170,073,900</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

29. Tenure Commission, State

(a) Regulation Program	9,000
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SOURCE OF FUNDS:

(1) ASETF	<u>9,000</u>	
Total State Tenure Commission ..	<u>9,000</u>	<u>9,000</u>

30. Television Commission, Education

(a) Educational TV Services Program	2,555,000
(b) Public Radio Services Program	176,000

SOURCE OF FUNDS

(1) ASETF	2,100,000	
(2) Federal and Local Funds		<u>631,000</u>

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Total Education Television Commission	2,100,000	631,000	2,731,000
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31. Unemployment Compensation			1,750,000
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SOURCE OF FUNDS:

(1) ASETF	1,750,000		
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Total Unemployment Compensation	1,750,000		1,750,000
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32. Veterans Education Benefits

(a) Administration of Veterans Affairs Program			1,300,000
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SOURCE OF FUNDS:

(1) ASETF	1,300,000		
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Total Veterans Education Benefits	1,300,000		1,300,000
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The above appropriation includes prorata administration costs of the Department of Veteran Affairs and for reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

33. Youth Services, Department of

(a) Youth Services Program			10,419,920
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:

(1) ASETF	9,400,000		
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(2) Federal and Local Funds		1,019,920	
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Total Department of Youth Services	9,400,000	1,019,920	10,419,920
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(To be expended in accordance with Act No. 816, 1973 Regular Session.)

34. Study Commission, Alabama Education

(a) Advisory Services Program ..			189,000
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SOURCE OF FUNDS:

(1) ASETF	189,000	
Total Alabama Education Study Commission	<u>189,000</u>	<u>189,000</u>
(To be used for educational studies in accordance with Act No. 15,1969 Special Session.)		

Section 4.

A. FINANCIAL ASSISTANCE
TO NON-STATE EDUCATIONAL AGENCIES

1. American Legion and Auxiliary Scholarships

(a) Support of Other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	<u>4,700</u>	
Total American Legion and Auxiliary Scholarships	<u>4,700</u>	<u>4,700</u>

(To be expended under the provisions of Act No. 676, 1978 Regular Session.)

2. Environmental Quality Association, Alabama

(a) Environmental Education Program	175,000
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SOURCE OF FUNDS:

(1) ASETF	<u>175,000</u>	
Total Alabama Environmental Quality Association	<u>175,000</u>	<u>175,000</u>

3. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program	175,000
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SOURCE OF FUNDS:

(1) ASETF	175,000	
Total Opportunities Industrialization Centers	<u>175,000</u>	<u>175,000</u>

4. Sickie Cell Association, Inc., East Alabama

(a) Sickie Cell Education Program	30,000
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SOURCE OF FUNDS:

(1) ASETF	30,000	
Total East Alabama Sickle Cell Association	<u>30,000</u>	<u>30,000</u>

5. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program		58,000
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SOURCE OF FUNDS:

(1) ASETF	<u>58,000</u>	
Total Sylacauga Nurses Training School.	<u>58,000</u>	<u>58,000</u>

Section 5.

COLLEGES, UNIVERSITIES
AND SCHOOLS

I. Board of Trustees of University
of Alabama

A. The University

1. Operations and Maintenance .	36,297,905	28,190,591	64,488,496
2. Research, Extension and Public Service	2,074,456	218,487	2,292,943
3. Emergency Medical Services .	141,533	92,632	234,165
4. Center for Emotionally Disturbed Children	533,215	472,652	1,005,867
5. Nursing Scholarships	18,000		18,000
6. School of Mines	1,161,814	927,610	2,089,424
7. Family Practice Center	839,736	641,096	1,480,832
8. Alabama Museum of Natural History	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,008	1,260,000	3,700,008
10. Vocational Teacher Training	381,442	182,158	563,600
11. Cooperative University Upper Division Program	217,004	75,000	292,004
12. Rural Infant Stimulation Environment Program	140,465	63,429	203,894
13. High Risk Nursery	113,226		113,226
14. Safe State Program	173,923		173,923
15. College of Education	200,000		200,000
16. Auxiliary Enterprises		<u>18,742,893</u>	<u>18,742,893</u>

SOURCE OF FUNDS:

(1) ASETF	44,900,000		
(2) Other Funds		50,910,712	
Total University of Alabama	44,900,000	50,910,712	95,810,712
B. University of Alabama in Birmingham			
1. University College	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health	2,347,460	1,956,364	4,303,824
3. Regional Technical Institute ..	1,956,990	402,465	2,359,455
4. Joint Health Sciences	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans	12,000		12,000
6. Nursing Scholarships	88,400		88,400
7. School of Nursing	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research	285,196		285,196
9. Urban Research and Public Service	328,604		328,604
10. School of Medicine	17,605,115	45,971,958	63,577,073
11. School of Optometry	2,258,777	1,829,134	4,087,911
12. School of Dentistry	7,677,297	9,310,026	16,987,323
13. System Medical Education Program	529,440		529,440
14. Family and Other Primary Care Residency Program	1,705,271		1,705,271
The above appropriation shall be expended for residency programs as follows:			
Anniston	268,654		
East End	268,654		
Jefferson County	268,655		
Montgomery	268,654		
Selma	362,000		
Gadsden	268,654		
15. Montgomery Internal Medicine	258,147		258,147
16. University Hospital	6,268,638	104,192,236	110,460,874
17. Department of Pediatrics	334,022		334,022
18. Health-Related Research and Public Service	3,036,903		3,036,903
19. Emergency Medical Training	173,392		173,392
20. Hypertension Research	420,600		420,600

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21. Multipurpose Arthritis Center	420,600		420,600
22. Medical Genetics Program ..	200,000		200,000
23. Special Mental Health		3,222,284	3,222,284
24. Center for Developmental and Learning Disorders		544,707	544,707
25. Auxiliary Enterprises		<u>6,675,000</u>	<u>6,675,000</u>

SOURCE OF FUNDS:

(1) ASETF	67,950,000		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds		<u>186,582,189</u>	

Total University of Alabama in Birmingham	<u>67,950,000</u>	<u>190,349,180,</u>	<u>258,299,180</u>
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C. University of Alabama in
Huntsville

1. Operations and Maintenance .	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program	30,000		30,000
6. Johnson Environmental and Energy Center	287,541	1,489,765	1,777,306
7. Ambulatory Care Center	681,773	739,623	1,421,396
8. School of Nursing	894,247	272,521	1,166,768
9. Paramedic Training	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises		<u>1,405,801</u>	<u>1,405,801</u>

SOURCE OF FUNDS:

(1) ASETF	12,000,000		
(2) Other Funds		10,548,163	

Total University of Alabama in Huntsville	<u>12,000,000</u>	<u>10,548,163</u>	<u>22,548,163</u>
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II. Board of Trustees of Alabama A
& M University

A. Alabama A & M University

1. Operations and Maintenance .	9,175,000	11,475,698	20,650,698
2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises		<u>3,483,602</u>	<u>3,483,602</u>

SOURCE OF FUNDS:

(1) ASETF	9,450,000		
(2) Other Funds		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,450,000</u>	<u>14,959,300</u>	<u>24,409,300</u>

III. Board of Trustees of Alabama
State University

A. Alabama State University

1. Operations and Maintenance .	8,100,000	4,006,200	12,106,200
2. Auxiliary Enterprises		<u>3,428,130</u>	<u>3,428,130</u>

SOURCE OF FUNDS:

(1) ASETF	8,100,000		
(2) Other Funds		<u>7,434,330</u>	
Total Alabama State University .	<u>8,100,000</u>	<u>7,434,330</u>	<u>15,534,330</u>

IV. State Board of Education

A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises		<u>336,925</u>	<u>336,925</u>

SOURCE OF FUNDS:

(1) ASETF	1,620,000		
(2) Other Funds		<u>1,733,879</u>	
Total Athens State College	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. Board of Trustees of Auburn
University

A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing	425,000		425,000
3. Educational Television	376,712		376,712
4. Center for Vocational and Adult Education	535,000		535,000
5. Clinical Psychology	117,700		117,700
6. Engineering Experiment Sta- tion	896,054		896,054
7. Public Service, Research and Extension	386,120		386,120
8. Energy Research	275,800		275,800
9. School of Veterinary Medicine	200,000		200,000
10. Auxiliary Enterprises		<u>21,926,138</u>	<u>21,926,138</u>

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SOURCE OF FUNDS:

(1) ASETF	43,115,000		
(2) Other		<u>52,270,804</u>	
Total Auburn University	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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SOURCE OF FUNDS:

(1) ASETF	8,300,000		
(2) Other		<u>9,220,328</u>	
Total Agricultural Experiment Station	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>

C. Cooperative Extension Service

1. Operations and Maintenance .	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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SOURCE OF FUNDS:

(1) ASETF	10,257,000		
(2) Other		<u>9,611,536</u>	
Total Cooperative Extension Service	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>

D. Auburn University at Montgomery

1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
2. Montgomery Area Community Health Sciences Institute	52,068		52,068
3. Public Service, Research and Extension (Center for Government and Public Affairs)	163,500	32,037	195,537
4. School of Nursing	272,500	3,010	275,510
5. Auxiliary Enterprises		<u>1,289,206</u>	<u>1,289,206</u>

SOURCE OF FUNDS:

(1) ASETF	6,700,000		
(2) Other		<u>5,926,014</u>	
Total Auburn University at Montgomery	<u>6,700,000</u>	<u>5,926,014</u>	<u>12,626,014</u>

VI. Board of Trustees of Jacksonville State University:

A. Jacksonville State University

1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
2. Gadsden Program	485,000	110,000	595,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises		<u>1,375,000</u>	<u>1,375,000</u>

SOURCE OF FUNDS:

(1) ASETF	12,500,000		
(2) Other		<u>5,400,183</u>	
Total Jacksonville State University	<u>12,500,000</u>	<u>5,400,183</u>	<u>17,900,183</u>

VII. Board of Trustees of
Livingston State University:

A. Livingston State University

1. Operations and Maintenance ..	3,882,000	750,129	4,632,129
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,179,309</u>	<u>1,179,309</u>

SOURCE OF FUNDS:

(1) ASETF	3,900,000		
(2) Other		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

VIII. Board of Trustees of University of Montevallo:

A. University of Montevallo

1. Operations and Maintenance ..	6,115,443	3,058,288	9,173,731
2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program	140,799		140,799
4. Communication Center	20,359	65,000	85,359
5. Auxiliary Enterprises		<u>2,459,750</u>	<u>2,459,750</u>

SOURCE OF FUNDS:

(1) ASETF	6,500,000		
(2) Other Funds:		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

IX. Board of Trustees of University of North Alabama:

A. University of North Alabama

1. Operations and Maintenance ..	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships ..	18,000		18,000
3. Auxiliary Enterprises		<u>2,939,575</u>	<u>2,939,575</u>

SOURCE OF FUNDS:

(1) ASETF	7,950,000		
(2) Other		<u>5,843,785</u>	
Total University of North Alabama	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>

X. Board of Trustees of South Alabama

A. University of South Alabama

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1. Operations and Maintenance .	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service	<u>362,128</u>		<u>362,128</u>
(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)			
3. Family Practice Residency Program	577,000		577,000
4. College of Medicine	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital	1,677,427	28,554,510	30,221,937
6. Newborn Growth and Development Program	80,000		80,000
7. Division of Allied Health	700,000	101,946	801,946
8. School of Nursing	600,000	199,166	799,166
9. Nursing Scholarships	18,000	5,550	23,550
10. Research, Public Service and Extension	91,398	33,583	124,981
11. Paramedic Training Program	137,500	58,075	195,575
12. Basic Medical Sciences	250,000		250,000
13. Birth Defect Genetic Center .	220,000		220,000
14. Auxiliary Enterprises		<u>3,770,970</u>	<u>3,770,970</u>

SOURCE OF FUNDS:

(1) ASETF	25,538,000		
(2) Other		<u>47,994,234</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>

XI. Board of Trustees of Troy State University:

1. Operations and Maintenance at Troy	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery	250,000	1,478,680	1,728,680
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	56,000	495,000	551,000
6. School of Nursing Montgomery	250,000	18,000	268,000
7. Branch Campus at Phenix City	85,000	390,000	475,000
8. Auxiliary Enterprises		<u>3,587,707</u>	<u>3,587,707</u>

SOURCE OF FUNDS:

(1) ASETF	8,900,000		
(2) Other		<u>11,401,849</u>	
Total Troy University	<u>8,900,000</u>	<u>11,401,849</u>	<u>20,301,849</u>

III. Board of Trustees for Alabama
Institute for Deaf and Blind.A. Alabama Institute for Deaf and
Blind

1. Operations and Maintenance . 5,125,760 2,314,000 7,439,760

B. Department of Adult Blind and
Deaf

1. Special Technical Facilities ... 1,187,769 2,388,916 3,576,685

2. Industries for the Blind 486,471 7,586,230 8,072,701

SOURCE OF FUNDS:

(1) ASETF	6,800,000		
(2) Other		<u>12,289,146</u>	
Total Alabama Institute for Deaf & Blind	<u>6,800,000</u>	<u>12,289,146</u>	<u>19,089,146</u>

Section 6.

Governor's Education Program.

To State Department of Edu-
cation-Board of Education
with Governor's approval—For
Basic Learning Skills, Teams,
Standard Schools program, and
Liability Insurance

3,000,000

Section 7.

A. Other Education Appropria-
tions:(1) Trenholm State Technical Col-
lege 125,000For Emergency Medical Service
Program(2) University of South Alabama 415,000
For unreimbursable losses caused
by Hurricane Frederic(3) Mobile County Board of Educa-
tion 450,000For unreimbursable losses caused
by Hurricane Frederic

Section 8.

A. Special Mental Health Fund:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

B. Public School Fund:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 9. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 10. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 11. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 12. This Act shall become effective on October 1, 1980.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 532 with pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of

this Act, the amounts specified in Sections 3 to 5, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriation provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education for the fiscal year ending September 30, 1981, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of state employees overlaps from one fiscal year into the next fiscal year, payment for the total period shall be made from the new fiscal year's appropriation.

Section 3.

A. STATE AGENCIES

1. Alabama Academy of Honor

(a) Historical Resources Management Program	950
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SOURCE OF FUNDS:

(1) ASETF	950	
Total Alabama Academy of Honor	950	950

2. Council on the Arts and Humanities

(a) Fine Arts Program	1,100,000
(b) Birmingham Symphony	200,000
(c) Alabama Shakespeare Festival	25,000

SOURCE OF FUNDS:

(1) ASETF	525,000	
(2) Federal and Local Funds		800,000

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Total Council on the Arts and Humanities	<u>525,000</u>	<u>800,000</u>	<u>1,325,000</u>
3. Debt Service			874,269
(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research-Institute pursuant to Constitutional Amendment No. CLVII	214,525		
(b) Interest on Endowments:			
For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000		
For interest on Auburn University Endowment	20,280		
For interest on University of Alabama Endowment	61,000		
For interest on Grove Hill Endowment	600		
For interest on Public School Fund Endowment:			
Interest on 16th Section lands, Estimated	410,000		
Interest on School Indemnity lands, Estimated	90,000		
Interest on Valueless 16th Section lands	5,825		
Interest on Surplus plus Revenue	26,764		
Interest on James Wallace Fund	<u>275</u>		
Total	659,744		
SOURCE OF FUNDS:			
(1) ASETF	<u>874,269</u>		
Total Debt Service	<u>874,269</u>		<u>874,269</u>
4. Board of Dental Scholarship Awards			
(a) Support of Other Educational Activities Program			228,000
SOURCE OF FUNDS:			
(1) ASETF	<u>228,000</u>		
Total Board of Dental Scholarship Awards	<u>228,000</u>		<u>228,000</u>

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Department of Education

(a) Instructional Technical Assistance Program	7,850,166
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The proposed spending plan for the above is as follows:

Right-to-Read	80,250
Career Education	105,600
Kindergarten Adm	85,000
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	121,000
Special Education Administration	525,000
Vocational Education	700,000
Fire College	250,000

SOURCE OF FUNDS:

(1) ASETF	1,866,850		
(2) Federal & Local Funds.		<u>5,983,316</u>	
Total Instructional Technical Assistance Program	<u>1,866,850</u>	<u>5,983,316</u>	<u>7,850,166</u>

(The Appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)

(b) Local Agency Support Program	<u>12,451,560</u>
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The proposed spending plan for the above is as follows:

Coordination of In-School Television	114,159
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	206,045
Testing	800,000
Free Textbooks	10,000,000
Plans & Surveys	71,132

SOURCE OF FUNDS:

(1) ASETF	11,191,336
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(2) Federal and Local Funds		<u>1,260,224</u>	
Total Local Agency Support Program	<u>11,191,336</u>	<u>1,260,224</u>	<u>12,451,560</u>
(c) Regulation Program			974,640
Teacher Certification & Accreditation	227,000		
SOURCE OF FUNDS:			
(1) ASETF	227,000		
(2) Federal and Local Funds		<u>747,640</u>	
Total Regulation Program	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>
(d) Administrative Services Program			10,012,665
The proposed spending plan for the above is as follows:			
Compact for Education	29,000		
Operation & Maintenance of Department	2,400,000		
Telephone Network Fund	1,200,000		
SOURCE OF FUNDS:			
(1) ASETF	3,629,000		
(2) Federal and Local Funds		<u>6,383,665</u>	
Total Administrative Services Program	<u>3,629,000</u>	<u>6,383,665</u>	<u>10,012,665</u>
The above appropriation shall include a transfer to the State Personnel Department of \$71,421.			
(e) Adult Basic Education Program.			
The proposed spending plan for the above is as follows:			
Adult Basic Education . .	1,000,000		
Community Education	96,000		
SOURCE OF FUNDS:			
(1) ASETF	1,096,000		
(2) Federal and Local Funds		<u>3,255,706</u>	
Total Adult Basic Education Program	<u>1,096,000</u>	<u>3,255,706</u>	<u>4,351,706</u>
(f) Support of State Universities Program			256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds	256,833	
Total Support of State Universities Program	<u>256,833</u>	<u>256,833</u>
(g) Projects-Vocation Rehabilitation/Crippled Chil- dren Services Program		4,324,007

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>4,324,007</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program	<u>4,324,007</u>	<u>4,324,007</u>
(h) Disability Determination for Social Security Program		8,336,401

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>8,336,401</u>	
Total Disability Determination for Social Security Program	<u>8,336,401</u>	<u>8,336,401</u>
(i) Skill Enhancement and Em- ployment Opportunities Pro- gram		8,181,221

SOURCE OF FUNDS:

(1) Federal and Local Funds	<u>8,181,221</u>	
Total Skill Enhancement and Em- ployment Opportunities Pro- gram	<u>8,181,221</u>	<u>8,181,221</u>
(j) Support of Other Educational Activities		10,000

The proposed spending plan for the
above is as follows:

Education of Dependents of Blind
Parents 10,000

SOURCE OF FUNDS:

(1) ASETF	<u>10,000</u>	
Total Support of Other Educational Activities	<u>10,000</u>	<u>10,000</u>

For reimbursement of every State
Institution of Higher Learning,
College, University, or Trade
School or Junior College, in
which benefits are given to de-
pendents of blind parents under
the provisions of Act. No. 281,
1966 Special Session.

(k) Emergency Medical Services Education Program	1,225,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc.	204,167
(2) Birmingham Regional Emergency Medical Services System	204,167
(3) North Alabama Emergency Medical Services, Inc.	204,166
(4) Southeast Alabama Emergency Medical Services System, Inc.	204,167
(5) East Alabama Emergency Medical Services, Inc.	204,166
(6) Southwest Alabama Emergency Medical Services Council, Inc.	204,167

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,225,000</u>		
Total Emergency Medical Services Education Program	<u>1,225,000</u>		<u>1,225,000</u>
(1) Direct Client Service for the Handicapped			41,550,140
Crippled Children Services Program	4,300,000	3,058,200	7,358,200
Hemophilia Program	300,000		300,000
Homebound Program	2,600,000		2,600,000
Rehabilitation Services Program	6,420,000	24,871,940	31,291,940

SOURCE OF FUNDS:

(1) ASETF	13,620,000		
(2) Federal and Local Funds		<u>27,930,140</u>	
Total Health Services	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

TOTAL DEPARTMENT OF EDUCATION

SOURCE OF FUNDS:

(1) ASETF	32,659,186		
(2) Federal and Local Funds		<u>66,659,153</u>	
Grand Total Department of Education	<u>32,659,186</u>	<u>66,659,153</u>	<u>99,318,339</u>

6. Examiners of Public Accounts

(a) Legislative Support-Audit Services Program			1,061,017
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For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF	<u>1,061,017</u>		
Total Examiners of Public Accounts	<u>1,061,017</u>		<u>1,061,017</u>

7. Alabama School of Fine Arts

(a) Fine Arts Program			885,000
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SOURCE OF FUNDS:

(1) ASETF	800,000		
(2) Federal and Local Funds		<u>85,000</u>	
Total Alabama School of Fine Arts	<u>800,000</u>	<u>85,000</u>	<u>885,000</u>

8. Alabama Firefighters' Personnel Standards and Education Commission

(a) Professional and Occupational Licensing & Regulation Program			135,000
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SOURCE OF FUNDS:

(1) ASETF	<u>135,000</u>		
Total Alabama Firefighters' Personnel Standards and Education Commission	<u>135,000</u>		<u>135,000</u>

9. Department of Public Health

(a) Health Support Services Program			500,000
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For immunization of preschool children and students and for public school food sanitation.

(b) For the Division of Maternal and Child Health			250,000
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Provided, however, that the above appropriation shall be expended only for the development of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting Federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF	<u>750,000</u>	
Total Health Department	<u>750,000</u>	<u>750,000</u>

10. Commission on Higher Education

(a) Planning & Coordination Services Program		761,405
(b) Alabama Student Assistance Program		2,318,607
(c) Alabama Student Grant Program		3,000,000

SOURCE OF FUNDS:

(1) ASETF	4,800,000		
(2) Federal and Local Funds		<u>1,280,012</u>	
Total Commission on Higher Education	<u>4,800,000</u>	<u>1,280,012</u>	<u>6,080,012</u>

(The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.)

11. Alabama Historical Commission

(a) Historical Resources Management Program		135,000
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SOURCE OF FUNDS:

(1) ASETF	<u>135,000</u>	
Total Alabama Historical Commission	<u>135,000</u>	<u>135,000</u>

The above appropriation shall be expended as follows:

Fort Toulouse	85,000
Historic Blakely Foundation	50,000

12. Alabama Industrial Development Training Institute

(a) Industrial Training Program 1,560,000

SOURCE OF FUNDS:

(1) ASETF 1,500,000

(2) Federal and Local Funds 60,000

Total Alabama Industrial Development Training Institute	<u>1,500,000</u>	<u>60,000</u>	<u>1,560,000</u>
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13. Junior College School System

(a) Academic Instruction and Institutional Support Program .. 70,751,193

SOURCE OF FUNDS:

(1) ASETF 44,000,000

(2) Federal and Local Funds 10,235,056

(3) State Funds 846,012

(4) Other Funds 10,900,045

(5) Auxiliary Enterprises 4,770,080

Total Junior College School System	<u>44,000,000</u>	<u>26,751,193</u>	<u>70,751,193</u>
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This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000.00 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1978-79 by all the Junior Colleges listed in this appropriation. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College. Of the above appropriations contained herein in Section 3-A-13 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

14. Alabama Law Institute

(a) Support of Other Educational
Activities Program 205,000

SOURCE OF FUNDS:

(1) ASETF 205,000

Total Alabama Law Institute 205,000 205,000

15. Legislature

(a) Legislative Operations & Sup-
port Program 1,250,000

SOURCE OF FUNDS:

(1) ASETF 1,250,000

Total Legislature 1,250,000 1,250,000

16. Public Library Service

(a) Public Library Service Pro-
gram 3,909,162

SOURCE OF FUNDS:

(1) ASETF 2,750,000

(2) Federal and Local Funds 1,159,162

Total Public Library Services ... 2,750,000 1,159,162 3,909,162

17. Marine Environmental Sci-
ences Consortium

(a) Support of other Educational
Activities Program 652,353

SOURCE OF FUNDS

(1) ASETF 512,000

(2) Federal and Local Funds 140,353

Total Marine Environmental Sci-
ences Consortium 512,000 140,353 652,353

18. Boards of Medical Scholarships
Awards

(a) Support of other Educational
Activities Program 711,000

SOURCE OF FUNDS:

(1) ASETF 711,000

Total Medical Scholarship Board 711,000 711,000

(To be expended under the provi-
sions of Act No. 663, 1977 Regu-
lar Session.)

19. Minimum Program

(a) Financial Assistance Program 492,669,112

SOURCE OF FUNDS:

(1) ASETF	464,992,627	
(2) Public School Fund		23,000,000
(3) Local Funds		<u>4,676,485</u>
Total Minimum Program Fund ..	<u>464,992,627</u>	<u>27,676,485</u> <u>492,669,112</u>

The above appropriation shall be paid in accordance with Title 16, Article 3 of Code of Alabama 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amounts necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$3,075.00 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$48,500,000.00.

20. Board of Education

(A) Financial Assistance Program	252,185,287
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SOURCE OF FUNDS:

(1) ASETF	<u>252,185,287</u>	
Total Board of Education	<u>252,185,287</u>	<u>252,185,287</u>

(a) To be distributed by State Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 15,500,000

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, supervisory unit, full time support employee, and adult school bus drivers.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17.00 per day is hereby appropriated.

(c) Support Personnel Sick Leave 900,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal Leave 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace Fees 10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance 6,000,000

(g) Continuation of funds previously granted for Special Education 28,659,321

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act 106 and P.L. 94-142.

- (h) Kindergarten teacher
units 19,657,317

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (i) Additional teacher units to reduce pupil-teacher ratio in grades 1-6 11,830,802

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (j) Supportive teacher
units 31,706,521

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (i).

The above appropriation is for
1,742 teacher units and includes
salaries, other current expenses,
and capital outlay at the same
rate as provided in the Minimum
Program.

(k) Vocational teacher
units 53,349,175

The above appropriation is for
2,802 teacher units.

(l) Driver Education teacher
units 9,100,602

The above appropriation is for 500
teacher units and includes
salaries, other current expenses,
and capital outlay at the same
rate as provided in the Minimum
Program.

(m) Special Education 59,953,999

The above appropriation is for
3,250 teacher units and includes
salaries, other current expenses,
and capital outlay at the same
rate as provided in the Minimum
Program.

21. Alabama Board of Nursing:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

607,000

SOURCE OF FUNDS:

(1) ASETF as provided in Act No.
68, 1977 Special Session. Schol-
arships for Graduate Nur-
ses 57,000

(2) Alabama Board of Nursing
Trust Fund as provided in Title
34, Chapter 21, Code of Alabama
1975, as amended

550,000

Total Alabama Board of Nursing

57,000

550,000

607,000

22. Alabama Peace Officers Stan-
dards and Training Commission:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

80,000

(b) Certified Law Enforcement
Academy Programs

202,000

Jacksonville State Univer-
sity 50,500

University of Alabama 50,500

James H. Faulkner Jr. Coll. 50,500

Troy State Univ., Montgo-
mery 50,500

SOURCE OF FUNDS:

(1) ASETF 282,000

(2) Federal and Local Funds

Total Alabama Peace Officers
Standards and Training Com-
mission 282,000

282,000

282,000

23. Commission on Physical Fit-
ness:

(a) Advisory Services Program ..

76,000

SOURCE OF FUNDS:

(1) ASETF 76,000

Total Commission on Physical
Fitness 76,000

76,000

76,000

24. Post-Secondary Vocational-
Technical Education System:(a) Instructional and Institutional
Support Program 48,710,923

SOURCE OF FUNDS:

(1) ASETF 36,128,730

(2) Federal and Local Funds 1,042,332

(3) State Funds 563,944

(4) Other Funds 7,691,145

(5) Auxiliary Enterprises 3,284,772

Total Post-Secondary Vocational
Technical Education System ..

36,128,730

12,582,193

48,710,923

For the operations and mainte-
nance of the Vocational Techni-
cal Schools listed below, to be dis-
tributed in accordance with a
formula adopted by the State
Board of Education.

(The above appropriation is to be
distributed to the following
Vocational-Technical Schools:

(1) Atmore State Technical Col-
lege; (2) Alabama Aviation and
Technical College; (3) Alabama
Technical College; (4) Harry
M. Ayers State Technical Col-
lege; (5) Bessemer State Techni-
cal College; (6) John C. Calhoun

State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnolley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3-A-24 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

25. Social Security

(a) For State's share of Social Security, Estimated	69,400,000
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SOURCE OF FUNDS:

(1) ASETF	<u>69,400,000</u>	
Total Social Security	<u>69,400,000</u>	<u>69,400,000</u>

26. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated	170,073,900
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System	161,313,900	
(2) ASETF-Teachers Special Pension Fund	<u>8,760,000</u>	
Total Retirement Systems Program (State's Share)	<u>170,073,900</u>	<u>170,073,900</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teacher's Retirement Fund.

27. State Tenure Commission

(a) Regulation Program	9,000
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SOURCE OF FUNDS:

(1) ASETF	<u>9,000</u>	
Total State Tenure Commission .	<u>9,000</u>	<u>9,000</u>

28. Educational Television Commission

(a) Educational TV Services Program	2,555,000
(b) Public Radio Services Program	176,000

SOURCE OF FUNDS:

(1) ASETF	2,100,000	
(2) Federal and Local Funds	631,000	
Total Educational TV Commission	<u>2,100,000</u>	<u>631,000</u> <u>2,731,000</u>

29. Veterans Education Benefits

(a) Administration of Veterans Affairs Program	1,215,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,215,000</u>	
Total Veterans Educational Benefits	<u>1,215,000</u>	<u>1,215,000</u>

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are

given to veterans, their wives,
widows, or children under the
provision of Act No. 767, 1965
Regular Session.

30. Youth Services, Department of

(a) Youth Services Program	8,859,755
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(The above appropriation shall in-
clude a transfer to the Telephone
Network Fund of \$33,090.)

SOURCE OF FUNDS:

(1) ASETF	7,839,835		
(2) Federal and Local Funds		<u>1,019,920</u>	
Total Youth Services	<u>7,839,835</u>	<u>1,019,920</u>	<u>8,859,755</u>

(To be expended in accordance with
Act No. 816, 1973 Regular Ses-
sion.)

31. State Employees Insurance . .	405,400
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SOURCE OF FUNDS:

(1) ASETF	<u>405,400</u>	
Total State Employees Insurance	<u>405,400</u>	<u>405,400</u>

32. State's Share of Employees Unemployment Compensation .	1,750,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,750,000</u>	
Total State's Share of Employees Unemployment Compensation .	<u>1,750,000</u>	<u>1,750,000</u>

Section 4.

A. Non-State Educational Agen-
cies:

1. American Legion Auxiliary
Scholarship Fund

(a) Support of other Educational Activities Program	4,700
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SOURCE OF FUNDS:

(1) ASETF	<u>4,700</u>	
Total American Legion Auxiliary Scholarship Fund	<u>4,700</u>	<u>4,700</u>

(To be expended under the provi-
sions of Act No. 676, 1978 Regu-
lar Session.)

2. Alabama Environmental Quality Association

(a) Environmental Education Program	175,000
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SOURCE OF FUNDS:

(1) ASETF	<u>175,000</u>
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Total Alabama Environmental Quality Association	<u>175,000</u>	<u>175,000</u>
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3. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program	175,000
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SOURCE OF FUNDS:

(1) ASETF	<u>175,000</u>
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Total Opportunities Industrialization Centers	<u>175,000</u>	<u>175,000</u>
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4. Sickie Cell Association, Inc., East Alabama

(a) Sickie Cell Education Program	30,000
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SOURCE OF FUNDS

(1) ASETF	<u>30,000</u>
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Total East Alabama Sickie Cell Association	<u>30,000</u>	<u>30,000</u>
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5. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program	58,000
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SOURCE OF FUNDS:

(1) ASETF	<u>58,000</u>
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Total Sylacauga Nurses Training School.	<u>58,000</u>	<u>58,000</u>
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Section 5.

Colleges, Universities and Schools

I. Board of Trustees of University of Alabama

A. The University

1. Operations and Maintenance .	34,693,931	28,190,591	62,884,522
2. Research, Extension and Public Service	1,942,237	218,487	2,160,724
3. Emergency Medical Services .	131,232	92,632	223,864

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4. Center for Emotionally Disturbed Children	496,018	472,652	968,670
5. Nursing Scholarships	18,000		18,000
6. School of Mines	1,111,799	927,610	2,039,409
7. Family Practice Center	778,622	641,096	1,419,718
8. Alabama Museum of Natural History	157,479	44,164	201,643
9. College of Community Health Services Medical Education ...	2,262,429	1,260,000	3,522,429
10. Vocational Teacher Training	357,011	182,158	539,169
11. Cooperative University Upper Division Program	202,821	75,000	277,821
12. Rural Infant Stimulation Environment Program	131,232	63,429	194,661
13. High Risk Nursery	104,986		104,986
14. Safe State Program	168,491		168,491
15. Auxiliary Enterprises		<u>18,742,893</u>	<u>18,742,893</u>

SOURCE OF FUNDS:

(1) ASETF	42,556,288		
(2) Other Funds		<u>50,910,712</u>	
Total University of Alabama	<u>42,556,288</u>	<u>50,910,712</u>	<u>93,467,000</u>

B. University of Alabama in Birmingham

1. University College	14,979,408	12,437,344	27,416,752
2. School of Public and Allied Health	1,933,298	1,956,364	3,889,662
3. Regional Technical Institute ..	1,784,786	402,465	2,187,251
4. Joint Health Sciences	2,515,889	1,432,456	3,948,345
5. Student Nurses Loans	12,000		12,000
6. Nursing Scholarships	88,400		88,400
7. School of Nursing	2,677,426	2,375,206	5,052,632
8. Center for Labor Education and Research	283,058		283,058
9. Urban Research and Public Service	181,376		181,376
10. School of Medicine	18,700,063	45,971,958	64,672,021
11. School of Optometry	2,125,766	1,829,134	3,954,900
12. School of Dentistry	7,295,851	9,310,026	16,605,877
13. System Medical Education Program	529,440		529,440

14. Family and Other Primary Care Residency Program	1,451,178		1,451,178
The above appropriation shall be expended for residency programs as follows:			
Anniston	241,863		
East End	241,863		
Jefferson County	241,863		
Montgomery	241,863		
Selma	241,863		
Gadsden	241,863		
15. Montgomery Internal Medicine	231,347		231,347
16. University Hospital	6,211,673	104,192,236	110,403,909
17. Department of Pediatrics	334,022		334,022
18. Health Related Research and Public Service	3,036,903		3,036,903
19. Emergency Medical Training	173,392		173,392
20. Hypertension Research	420,600		420,600
21. Multipurpose Arthritis Center	420,600		420,600
22. Medical Genetics Program ..	200,000		200,000
23. Special Mental Health		3,222,284	3,222,284
24. Center for Developmental and Learning Disorders		544,707	544,707
25. Auxiliary Enterprises		6,675,000	6,675,000
SOURCE OF FUNDS:			
(1) ASETF	65,586,476		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds		<u>186,582,189</u>	
Total University of Alabama in Birmingham	<u>65,586,476</u>	<u>190,349,180</u>	<u>255,935,656</u>
C. University of Alabama in Huntsville			
1. Operations and Maintenance	6,420,995	6,235,320	12,656,315
2. School of Nursing Scholarships	18,000		18,000
3. School of Primary Medical Care	2,764,897	405,133	3,170,030
4. Johnson Environmental and Energy Center	281,658	1,489,765	1,771,423
5. Ambulatory Care Center	676,341	739,623	1,415,964
6. School of Nursing	828,709	272,521	1,101,230
7. Paramedic Training	130,789		130,789

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8. Alabama Solar Energy Center	280,053		280,053
9. Auxiliary Enterprises		<u>1,405,801</u>	<u>1,405,801</u>
SOURCE OF FUNDS:			
(1) ASETF	11,401,442		
(2) Other Funds		<u>10,548,163</u>	
Total University of Alabama in Huntsville	<u>11,401,442</u>	<u>10,548,163</u>	<u>21,949,605</u>
II. Board of Trustees of Alabama A & M University			
A. Alabama A & M University			
1. Operations and Maintenance .	9,064,604	11,475,698	20,540,302
2. Vocational Teacher Training .	266,336		266,336
3. Auxiliary Enterprises		<u>3,483,602</u>	<u>3,483,602</u>
SOURCE OF FUNDS:			
(1) ASETF	9,330,940		
(2) Other Funds		<u>14,959,300</u>	
Total Alabama A & M, University	9,330,940	14,959,300	24,290,240
III. Board of Trustees of Alabama State University			
A. Alabama State University			
1. Operations and Maintenance .	7,988,963	4,006,200	11,995,163
2. Auxiliary Enterprises		<u>3,428,130</u>	<u>3,428,130</u>
SOURCE OF FUNDS:			
(1) ASETF	7,988,963		
(2) Other Funds		<u>7,434,330</u>	
Total Alabama State University .	<u>7,988,963</u>	<u>7,434,330</u>	<u>15,423,293</u>
IV. State Board of Education			
A. Athens State College			
1. Operations and Maintenance .	1,687,025	1,396,954	3,083,979
2. Auxiliary Enterprises		<u>336,925</u>	<u>336,925</u>
SOURCE OF FUNDS:			
(1) ASETF	1,687,025		
(2) Other Funds		<u>1,733,879</u>	
Total Athens State College	<u>1,687,025</u>	<u>1,733,879</u>	<u>3,420,904</u>
V. Board of Trustees of Auburn University			
A. Auburn University			
1. Operations and Maintenance .	38,569,844	30,344,666	68,914,510
2. School of Nursing	425,000		425,000

3. Nursing Scholarships	18,000	18,000
4. Educational Television	376,712	376,712
5. Center for Vocational and Adult Education	535,000	535,000
6. Clinical Psychology	117,700	117,700
7. Engineering Experiment Station	869,166	869,166
8. Public Service, Research and Extension	371,153	371,153
9. Energy Research	267,524	267,524
10. Auxiliary Enterprises	<u>21,926,138</u>	<u>21,926,138</u>

SOURCE OF FUNDS

(1) ASETF	41,550,099		
(2) Other		<u>52,270,804</u>	
Total Auburn University	<u>41,550,099</u>	<u>52,270,804</u>	<u>93,820,903</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	7,643,409	9,220,328	16,863,737
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SOURCE OF FUNDS:

(1) ASETF	7,643,409		
(2) Other		<u>9,220,328</u>	
Total Agricultural Experiment Station	<u>7,643,409</u>	<u>9,220,328</u>	<u>16,863,737</u>

C. Cooperative Extension Service

1. Operations and Maintenance .	8,690,753	9,611,536	18,302,289
2. Retirement	1,022,840		1,022,840

SOURCE OF FUNDS:

(1) ASETF	9,713,593		
(2) Other		<u>9,611,536</u>	
Total Cooperative Extension Service	<u>9,713,593</u>	<u>9,611,536</u>	<u>19,325,129</u>

D. Auburn University at Montgomery

1. Operations and Maintenance .	5,718,587	4,601,761	10,320,348
2. Montgomery Area Community Health Sciences Institute	52,068		52,068
3. Public Service, Research and Extension (Center for Government and Public Affairs)	158,926	32,037	190,963
4. School of Nursing	264,875	3,010	267,885
5. Auxiliary Enterprises		<u>1,289,206</u>	<u>1,289,206</u>

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SOURCE OF FUNDS:

(1) ASETF	6,194,456		
(2) Other		<u>5,926,014</u>	
Total Auburn University at Montgomery	6,194,456	5,926,014	12,120,470

VI. Board of Trustees of Jacksonville State University:

A. Jacksonville State University

1. Operations and Maintenance .	11,535,705	3,915,183	15,450,888
2. Gadsden Program	485,000	110,000	595,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises		<u>1,375,000</u>	<u>1,375,000</u>

SOURCE OF FUNDS:

(1) ASETF	12,238,705		
(2) Other		<u>5,400,183</u>	
Total Jacksonville State University	<u>12,238,705</u>	<u>5,400,183</u>	<u>17,638,888</u>

VII. Board of Trustees of Livingston State University:

A. Livingston State University

1. Operations and Maintenance .	3,535,366	750,129	4,285,495
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,179,309</u>	<u>1,179,309</u>

SOURCE OF FUNDS:

(1) ASETF	3,553,366		
(2) Other		<u>1,929,438</u>	
Total Livingston State University	<u>3,553,366</u>	<u>1,929,438</u>	<u>5,482,804</u>

VIII. Board of Trustees of University of Montevallo:

A. University of Montevallo

1. Operations and Maintenance .	5,546,293	3,058,288	8,604,581
2. School for Aphasic Children ..	212,317	16,000	228,317
3. Highway Safety Program	133,815		133,815
4. Communication Center	19,349	65,000	84,349
5. Auxiliary Enterprises		<u>2,459,750</u>	<u>2,459,750</u>

SOURCE OF FUNDS:

(1) ASETF	5,911,774		
(2) Other Funds		<u>5,599,038</u>	
Total University of Montevallo ..	<u>5,911,774</u>	<u>5,599,038</u>	<u>11,510,812</u>

IX. Board of Trustees of University of North Alabama:

A. University of North Alabama

1. Operations and Maintenance .	7,808,980	2,904,210	10,713,190
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises		<u>2,939,575</u>	<u>2,939,575</u>

SOURCE OF FUNDS:

(1) ASETF	7,826,980		
(2) Other		<u>5,843,785</u>	
Total University of North Alabama	<u>7,826,980</u>	<u>5,843,785</u>	<u>13,670,765</u>

X. Board of Trustees of University of South Alabama

A. University of South Alabama

1. Operations and Maintenance .	11,033,547	8,233,978	19,267,525
2. Medical Research and Public Service	362,128		362,128

(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)

3. Family Practice Residency Program	577,000		577,000
4. College of Medicine	9,327,602	7,046,456	16,374,058
5. Medical Center Hospital	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Development Program	80,000		80,000
7. Division of Allied Health	626,217	101,946	728,163
8. School of Nursing	500,673	199,166	699,839
9. Nursing Scholarships	18,000	5,550	23,550
10. Research, Public Service and Extension	91,398	33,583	124,981
11. Paramedic Training Program	133,480	58,075	191,555
12. Basic Medical Sciences	213,568		213,568
13. Birth Defect Genetic Center .	213,568		213,568
14. Auxiliary Enterprises		<u>3,770,970</u>	<u>3,770,970</u>

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SOURCE OF FUNDS:

(1) ASETF	24,854,609		
(2) Other		<u>47,994,234</u>	
Total University of South Alabama	<u>24,854,609</u>	<u>47,994,234</u>	<u>72,848,843</u>

XI. Board of Trustees of Troy State University:

A. Troy State University

1. Operations and Maintenance at Troy	7,260,202	4,280,000	11,540,202
2. Operations and Maintenance at Ft. Rucker/Dothan	970,000	1,152,462	2,122,959
3. Operations and Maintenance in Montgomery	233,171	1,478,680	1,711,851
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	52,327	495,000	547,327
6. School of Nursing-Montgomery	250,000	18,000	268,000
7. Branch Campus at Phenix City	80,000	390,000	470,000
8. Auxiliary Enterprises		<u>3,587,707</u>	<u>3,587,707</u>

SOURCE OF FUNDS:

(1) ASETF	8,822,195		
(2) Other		<u>11,401,849</u>	
Total Troy State University	<u>8,882,195</u>	<u>11,401,849</u>	<u>20,284,044</u>

XII. Board of Trustees for Alabama Institute for Deaf and Blind:

A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	4,643,513	2,314,000	6,957,513
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SOURCE OF FUNDS:

(1) ASETF	4,643,513		
Other		<u>2,314,000</u>	
Total Alabama Institute for Deaf and Blind	<u>4,643,513</u>	<u>2,314,000</u>	<u>6,957,513</u>

B. Department of Adult Blind and Deaf

1. Special Technical Facility	1,058,508	2,388,916	3,447,424
2. Industries for the Blind	433,530	7,586,230	8,019,760

SOURCE OF FUNDS:

(1) ASETF	1,492,038		
(2) Other		<u>9,975,146</u>	

Total Department of Adult Blind & Deaf	1,492,038	9,975,146	11,467,184
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Section 6.

A. Other Educational Appropriations:

(1) Trenholm State Technical College	125,000
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For Emergency Medical Services Program

Section 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby transferred from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under Section 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under Section 5-I-B on page 31.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution of 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefore. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts, or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provisions of this appropriation.

Section 10. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid which holding shall not affect any other section,

paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 11. This Act shall become effective on October 1, 1980.

MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Carothers to postpone further consideration of the bill, H. 532 with pending substitutes, to the twentieth legislative day, was tabled.

Yeas 54; Nays 44.

Yeas:

Mr. Speaker, Adams C. Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (T), Johnson (R.G.) Kelley, Langford, Letson, McKee, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Albright, Bedsole, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Clark (W.), Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hammett, Harper (O), Harrison, Harvey, Hines, Holmes, Horn, Jackson, Johnson (Roy), Kennedy, Laird, Lewis, McMillan, Mitchell, Naramore, Penry, Rains, Reed, Roberts, Sasser, Smith (C), Smith (M), Trammell, Tucker, Venable, Warren and Williams.

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MOTION REMOVED FROM TABLE

On motion of Rep. Wyatt, the motion offered by Rep. Owens to table the motion to postpone offered by Rep. Carothers, was removed from the table.

Yeas 56; Nays 44.

Yeas:

Reps.: Albright, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (C), Smith (M), Trammell, Tucker, Turner, Venable, Warren, Williams and Wyatt.

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Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Cates, Clark (G), Coburn, Cosby, Dial, Gafford, Gilmer, Greer, Harper (T), Johnson (R. G.), Kelley, McKee,

Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Waggoner, Ward, Whatley, Willis and Zoghby.

—44

The question was again on the motion offered by Rep. Carothers to postpone further consideration of the bill, H. 532 with pending substitutes to the twentieth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the motion to postpone offered by Rep. Carothers, was lost.

Yeas 42; Nays 56.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Clark, (G), Cosby, Dial, Ford, Gafford, Gilmer, Harper (T), Harvey, Jackson, Kelley, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Waggoner, Ward, Whatley, Willis and Zoghby.

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Nays:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (C), Smith (M), Trammell, Tucker, Turner, Venable, Warren, Williams and Wyatt.

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H. 532 POSTPONED

The question was again on the motion offered by Rep. Carothers to postpone further consideration of the bill, H. 532 with pending substitutes, to the twentieth legislative day, and the motion to postpone was adopted.

Yeas 56; Nays 42.

Yeas:

Reps.: Albright, Boles, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Lewis, McKee, McMillan, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (C), Smith (M), Trammell, Tucker, Turner, Venable, Warren, Williams and Wyatt.

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Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Dial, Gafford, Gilmer, Harper (T), Johnson (R. G.), Johnson (Roy), Kelley, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Waggoner, Ward, Whatley, Willis and Zoghby.

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ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 160, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 8, 1980.

TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 8, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Charles Blackmon, First Baptist Church, Greenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Nevett, leave of absence was granted for Rep. Jackson.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 167. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the hour of 2:45 P.M. arrives on Tuesday, April 8, 1980, the House shall stand in adjournment to meet again on Thursday, April 10, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 167, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Also:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 168. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business, beginning April 8, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Turner:

H. 522. p. 111. Levy excise tax on persons who sell, etc. malt or brewed beverages

By Rep. Holmes:

H. 84. p. 110 Cigarette tax

By Rep. Turner:

H. 523. p. 112 Additional tax on liquor sold by ABC Board

By Rep. Lewis:

H. 665. p. 109 Additional tax on tobacco or cigarette rolling papers

By Rep. Sasser:

H. 201. p. 9 Jury Strike System

By Rep. Sasser:

H. 202. p. 9 Jury Strike System

By Rep. Smith (M):

H. 576. p. 29 Capitol security police officers

By Rep. Bedsole:

H. 42. p. 86 Non resident aliens to report owned or leased land

By Rep. Lewis:

H. 384. p. 51 Issuance of motor vehicle license plates

By Rep. Sasser:

H. 198. p. 56 Alcohol manufactured for use in internal combustion engines

By Rep. Grouby:

H. 164. p. 58 Re-opening Retirement System of Alabama

By Rep. Adams (C):

H. 459. p. 22 Regulation of extensions of credit

By Rep. Carothers:

H. 586. p. 51 Auctioneers, licensing

By Rep. Owens:

H. 432. p. 27 Civil Air Patrol vehicles

By Rep. Smith (C):

H. 669. p. 68 Minimum of 75 days, first four scholastic months

By Rep. Adams (C):

H. 460. p. 22 Savings and Loan Associations, rate of interest

By Rep. Cates:

H. 355. p. 8 School boards to transfer within line items

By Rep. Riddick:

H. 421. p. 57 Circuit and District Courts, fees of service of process

By Rep. Smith (J):

H. 509. p. 47 Relating to parole of certain inmates

By Rep. Payne:

H. 261. p. 25 Salaries, Chief & Ass't Chief Examiner of Public Accounts

By Rep. Kelley:

H. 558. p. 48 Ala. Housing Finance Authority

By Rep. Lewis:

H. 4. p. 34 Public housing accommodations

By Rep. Lewis:

H. 671. p. 84 Soybean promotion

By Rep. McKee:

H. 170. p. 25 State nurseries, forest tree seed and seedlings

By Mr. Proctor:

S. 15. p. 75 Controlled substances

By Rep. Adams (C):

H. 701. p. 61 Federal Aid Highway Finance Authority

By Rep. Adams (C):

H. 702. p. 62 Equipment Replacement Surplus Reserve Account or Fund

By Rep. Payne:

H. 505. p. 55 Competetive bidding, medical clinics

By Mr. Smith (C):

H. 457. p. 19 Executing and service of process by mail

By Rep. Biddle:

H. 453. p. 88 Compensation for sheriffs

By Rep. Bowling:

H. 466. p. 36 Certain public assistance recipients

By Rep. Boles:

H. 417. p. 54 Classified merit or civil service positions

By Rep. Bennett:

H. 19. p. 17 Election officers

By Rep. Dixon:

H. 666. p. 99 Prohibits payments, ADC unwed mothers

By Rep. Drinkard:

H. 768. p. 83 State banking corporations

By Rep. Stewart:

H. 530. p. 55 Prohibit trains from entering area due to weather conditions

By Rep. Smith (M):

H. 577. p. 53 Capitol security police officers

By Rep. Venable:

H. 622. p. 69 Absentee voting

By Mr. Gulledege:

S. 44. p. 44 Qualifications for county engineers

By Rep. Kelley:

H. 518. p. 66 Escrow accounts, administration of investments

By Rep. Zoghby:

H. 498. p. 43 Streets or alleys, land being vacated

By Rep. Greer:

H. 545. p. 57 Prisoners of war, special license plates

By Rep. Cabaniss:

H. 178. p. 14 Annual list of insurance agents and insurers, publication

By Rep. Mitchell:

H. 300. p. 53 Office of State Toxicologist

By Rep. Barton:

H. 709. p. 59 Tax assessors and/or tax collectors, fees

By Rep. Biddle:

H. 747. p. 63 Public water supply systems

By Rep. Bowling:

H. 745. p. 64 Miniature containers for alcoholic beverages

By Rep. Bedsole:

H. 259. p. 16 Local board of education, filling vacancy

By Rep. Dixon:

H. 316. p. 20 Relating to Medical Clinic Boards

By Rep. Stout:

H. 250. p. 14 Firefighters, minimum standards

By Rep. Gafford:

H. 867. p. 101 Lending Institutions

By Rep. Owens:

H. 428. p. 26 County Commissions

By Rep. Dial:

H. 388. p. 64 Medical treatment, indigent patients

On motion of Rep. Pegues, the resolution, H. R. 168, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

On motion of Rep. Pegues, the resolution, S. J. R. 96, was adopted.

Also:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

On motion of Rep. Pegues, the resolution, S. J. R. 114, was adopted.

Also:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

On motion of Rep. Pegues, the resolution, S. J. R. 115, was adopted.

Also:

S. J. R. 116. CONGRATULATING MRS. BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

On motion of Rep. Pegues, the resolution, S. J. R. 116, was adopted.

Also:

H. J. R. 117. CALLING UPON THE STATE BOARD OF EDUCATION TO FORMULATE A CONTINGENCY PLAN TO PROVIDE FOR UNINTERRUPTED PUBLIC SCHOOL SESSIONS IN ALABAMA.

On motion of Rep. Pegues, the resolution, H. J. R. 117, was adopted.

Also:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Pegues offered the motion to suspend the rules and adopt the resolution, S. J. R. 29.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harrison to indefinitely postpone the resolution, S. J. R. 29, was lost.

Yeas 20; Nays 56.

Yeas:

Reps.: Bennett, Boles, Buskey, Cheatwood, Clark (W), Coburn, Cooley, Crow, Ford, Harrison, Hilliard, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Nevett, Rains and Zoghby.

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Clark (G), Cobb, Cosby, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Howard, Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Venable, Waggoner, Whatley, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

Also:

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

Also:

H. J. R. 157. HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 162. COMMENDING MARENGO COUNTY SHERIFF WILLIAM H. SMITH, JR., FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE AREA OF PENAL REFORM.

Also:

H. J. R. 164. DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS "CALHOUN COUNTY INDUSTRY WEEK."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 165. CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

Also:

H. J. R. 166. MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 306. To amend Section 27-29-2, Code of Alabama 1975, which provides for investments in subsidiaries and affiliates of domestic insurance companies, so as to further regulate and restrict said investments.

Also:

S. 317. To provide further for the crime of negotiation of worthless checks and other negotiable instruments; to provide for written notice to makers or drawers of such worthless instruments; to provide further for matters of proof as to persons issuing such worthless instruments; prescribing penalties for violations, and specifically repealing and superseding section 13A-9-13, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. 207. Relating to the Town of Lincoln, in Talladega County; authorizing the Town of Lincoln as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. J. R. 100. PROVIDING THAT THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE NOT MORE THAN TWO SENATORS AND NOT MORE THAN TWO HOUSE MEMBERS TO ATTEND THE APRIL 11, 1980, SEMINAR IN COLUMBUS, OHIO, ON ISSUES FACING THE STEEL INDUSTRY, AND PROVIDING FOR REIMBURSEMENT OF ORDINARY AND NECESSARY EXPENSES.

Also:

S. J. R. 102. COMMENDING THE RANDOLPH COUNTY HIGH SCHOOL TIGERS, 1979 FOOTBALL CHAMPIONS.

Also:

S. J. R. 105. CREATING A COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH.

Also:

S. J. R. 106. CONGRATULATING THE EMPLOYEES OF COVINGTON ELECTRIC COOPERATIVE ON THEIR OUTSTANDING SAFETY RECORD.

Also:

S. J. R. 107. MOURNING THE DEATH OF MR. MANUEL R. RUSSO OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 113. CREATING THE MORGAN COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 120. CONGRATULATING AND COMMENDING THE STUDENTS OF AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, SEVEN TIMES NATIONAL BLOOD DRIVE CHAMPIONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 77. To transfer the Richmond Pearson Hobson home located in Greensboro, Alabama, and any other property under the management of the Richmond Pearson Hobson Memorial Board to the Alabama Historical Commission; and to abolish the Richmond Pearson Hobson Memorial Board.

Also:

H. 145. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to provide that there shall be three circuit judges in the fifth circuit and to delete the requirement that said judges live in different counties.

Also:

H. J. R. 130. CONGRATULATING 2A COACH OF THE YEAR RON WATTERS, AND HIS RANDOLPH COUNTY HIGH SCHOOL TIGERS.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

S. J. R. 29 RESUMED

RESOLUTION ADOPTED

On motion of Rep. Dixon, the resolution, S. J. R. 29, was adopted.

Yeas 59; Nays 20.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Clark (G), Cobb, Cosby, Dixon, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

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Nays:

Reps.: Albright, Boles, Buskey, Clark (W), Coburn, Cooley, Crow, Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, McMillan, Nevett, Rains and Reed.

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BILLS ON SECOND READING

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 820. (With Amendment): To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 826. (With Substitute): To authorize the Randolph County Commission with the power to determine the qualifications for the county engineer. This act shall have retroactive effect.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such pleas shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office

and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

H. 854. Relating to Tuscaloosa County; establishing a county judicial commission for the purpose of nominating persons for appointment to vacancies in the office of judge of circuit court.

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

RESOLUTION

The following resolution was introduced:

By Reps. Boles, Manley, Payne, Trammell, Olive, Cheatwood, Nevett, Bennett, Lewis, Waggoner, Seibels, Cabaniss, Howard, Moore, Hilliard, Harrison, Horn, Penry, Biddle, Amari, Naramore, Carter, Edwards, Campbell, Dial, Turnham, Reed, McCorquodale, Warren, Sandusky, Gafford, Adams (C), Owens, Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Parker, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 169. MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. J. Earl Jones of Bessemer, Alabama, on March 30, 1980, at the age of 74: and

WHEREAS, Earl Jones was a former member of the Legislature, elected in 1970 to the Alabama House of Representatives from Jefferson County District 17, and he was a good friend as well as colleague of many present members of the Legislature; he was assigned to and served as a member of the Rules, Business and Labor, and Local Legislation Committees; and

WHEREAS, a native of Whiteside, Tennessee, but a resident of Jefferson County for most of his life, Earl Jones was a retired employee of Southern Railway; a Mason and a Shriner, he also was a member of the Methodist Church, the Lions Club and the Eagles; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of J. Earl Jones of Bessemer, Alabama, and express our most heartfelt sympathy to all his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife and our friend, Mrs. Frances Copeland Jones, that she and their children, as well as other family members, may know of our deeply shared sorrow in their great loss.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 169, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Sandusky (With Notice and Proof):

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner and Bennett:

H. 891. To amend Section 37-3-4 and 37-3-33, Code of Alabama 1975 so as to alter the exemption granted motor vehicles hauling passengers to and from their place of employment.

Judiciary.

By Rep. Waggoner:

H. 892. To amend Section 11-81-21, Code of Alabama 1975, which provides for investments of municipal or county funds in obligations in which sinking funds may be invested, so as to provide additional forms of investment.

Ways and Means.

By Reps. Albright, Smith (M), Riddick and Hall:

H. 893. To amend Section 13A-13-3 of the Code of Alabama 1975, relating to the crime of incest so as to eliminate the requirement of corroboration of the testimony of the person with whom the offense is alleged to have been committed.

Judiciary.

By Rep. Sasser (With Notice and Proof):

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (G), Manley, and Campbell:

H. 895. This act shall repeal sections 20-2-70, 20-2-73 and 20-2-75; shall amend section 20-2-72; and shall provide for the following:

General provisions; definitions; unlawful distribution of a controlled substance in the first degree; unlawful distribution of a controlled substance in the second degree; possession of a controlled substance; possession of marijuana for personal use; possession of narcotics paraphernalia; possession of a counterfeiting device; unlawful presence when a controlled substance is being used unlawfully; forfeitures and seizures; repealing numerous specific code sections that conflict herewith as well as all other laws that conflict with this act; to set the effective date; and to provide for severability.

Judiciary.

By Rep. Pegues:

H. 896. To amend Section 40-23-61, Code of Alabama 1975, as amended, to provide for a 25% increase in the State use tax; to amend Section 40-23-85, Code of Alabama 1975, as amended, to provide that the proceeds thereof shall be deposited in the State general fund; and to provide for the abatement of such additional tax on December 31, 1980

Ways and Means.

By Rep. Pegues:

H. 897. To amend Section 40-23-2, Code of Alabama 1975, as amended to provide for a 25% increase in the State sales tax; to amend Section 40-23-35, Code of Alabama 1975, as amended, to provide that the proceeds thereof shall be deposited in the State general fund; and to provide for the abatement of such additional tax on December 31, 1980.

Ways and Means.

By Rep. Pegues:

H. 898. To amend Section 40-23-37, Code of Alabama 1975, as amended, to provide for a 25% increase in the privilege or license tax levied on sales of farm machines, machinery, and equipment; to provide that the proceeds from the increase shall be deposited in the State general fund; and to provide for the abatement of such additional tax on December 31, 1980.

Ways and Means.

By Rep. Pegues:

H. 899. To amend Section 40-23-63, Code of Alabama 1975, as amended to provide for a 25% increase in the excise tax on farm machines,

machinery, and equipment; to provide that the proceeds from the increase shall be deposited in the State general fund; and to provide for the abatement of such additional tax on December 31, 1980.

Ways and Means.

By Rep. Cates:

H. 900. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Ways and Means.

By Reps. Bennett and Amari (With Notice and Proof):

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.): and to provide that the amendments made by this Act to said Act No. 557 shall apply both prospectively and retroactively on and after May 2, 1978.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 901, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

Ways and Means.

By Rep. Naramore:

H. 905. To amend Section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of a operating record from \$2.00 to \$3.00.

Ways and Means.

By Rep. Cobb (With Notice and Proof):

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 907. To amend further Sections 12-21-281 through 12-21-283 of the Code of Alabama 1975, so as to further define witness and to provide for the manner that prisoners in another state may be called to testify as witnesses in a criminal proceeding in Alabama.

Judiciary.

By Rep. Cobb (With Notice and Proof):

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines:

H. 909. To repeal Section 40-20-2 and Section 40-20-8, Code of Alabama 1975, as amended by Act 434, Acts of Alabama 1979, and to reenact Section 40-20-2 and Section 40-20-8 as the same existed prior to enactment of Act 434, Acts of Alabama 1979, and to further provide for the rate of severance tax on the production of oil and gas on wells from 15,000 to 15,800 feet in the smackover formation that come into production after September 1, 1979, to provide further for distribution of the proceeds of the increased tax and to provide certain exemptions from the increased rate.

State Administration.

By Reps. Roberts and Patton (With Notice and Proof):

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 912. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, P. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

Ways and Means.

By Reps. Payne and Patton:

H. 913. Prescribing certain procedures which shall govern sales of any public lands belonging to the state department of youth services.

State Administration.

By Rep. Warren:

H. 914. To amend Section 32-5-170, Code of Alabama 1975, which provides for the penalties for driving under the influence of alcohol or narcotics, so as to provide further for said penalties.

Judiciary.

By Reps. Greer and Kelley:

H. 915. To amend sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-10, and 41-20-13 of the Code of Alabama 1975 as amended relating to the Sunset Act of 1976, so as to provide further for review of certain state agencies by the sunset committee and the legislature.

State Administration.

By Rep. McMillan:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

State Administration.

By Rep. Stewart (With Notice and Proof):

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Lewis, Harvey, Mitchell, Owens, Barton, Bedsole, Penry, Harper (T), Hines, Harrison, Howard and Amari:

H. 918. To prohibit the sale or offer of sale of beer or soft drinks in glass "throw away" bottles, to provide a penalty for such activity, and to provide for an effective date of July 1, 1981.

State Administration.

By Rep. McCorquodale (With Notice and Proof):

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy

coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McCorquodale (With Notice and Proof):

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McCorquodale (With Notice and Proof):

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced:

By Rep. Rains:

H. J. R. 170. CALLING FOR A JOINT SESSION OF THE ALABAMA SENATE AND THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF WITNESSING A DEMONSTRATION OF THE KURZWEIL READING MACHINE FOR THE BLIND.

WHEREAS, members of the Alabama Legislature are deeply aware of the many, many citizens in our state who suffer grave physical and sensory disabilities; and

WHEREAS, in concern for those in need of artificial aids to enable them to function to maximum potential, the Legislature is keenly interested in all technical advancement in the development of those aids capable of eliminating or significantly reducing the handicaps associated with disability; and

WHEREAS, representatives of Kurzweil Computer Products, Incorporated, have kindly consented to arrange for members of the Legislature a demonstration of its newly designed reading machine for the blind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama House and Senate be held at 2:00 p.m. on April 15, 1980, for the purpose of attending a demonstration of the Kurzweil reading machine for the blind.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Rains to suspend the rules and adopt the resolution, H. J. R. 170, was lost.

The resolution, H. J. R. 170, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bedsole, Harper (T), McMillan, Turner, Kennedy, Parker, Stewart, Buskey and Clark (W):

H. R. 171. HONORING ALABAMA'S VOLUNTEERS.

CO-SPONSOR ADDED

Rep. Zoghby was added as co-sponsor to the resolution, H. R. 171.

Also:

The following resolution was introduced:

By Reps. Dixon, McKee, Hammett, Zoghby and McCorquodale:

H. J. R. 172. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama is itself honored to pay tribute to His Royal Highness, Prince Khaled bin Sultan bin Abdulaziz of Saudi Arabia, currently a guest in residence of Montgomery and the State of Alabama; and

WHEREAS, Prince Khaled, who is in our country to attend the militarily prestigious Air War College at Maxwell Air Force Base, is also enrolled in the Political Science Master's Program at our own Auburn University in Montgomery; and

WHEREAS, since his arrival, the Prince has most freely and generously extended his friendship not only to the American people in general, but most particularly to the citizens of Alabama and to the members of the Alabama Legislature, a kindness for which we do indeed express sincere and deep gratitude; and

WHEREAS, in recognition of the leadership role that Prince Khaled plays in today's complex world, we are further most grateful for his pro-American influence in the entire Middle Eastern Region; and

WHEREAS, it is also with sincerity that we look upon Prince Khaled as ambassador nonpareil, singular in his exemplary representation of the people of Saudi Arabia whom we value as trusted allies and genuine friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in warm and continuing welcome as our guest in Alabama, we hereby express highest regard for Prince Khaled bin Sultan bin Abdulaziz; we extend to him a cordial invitation to address the Alabama House of Representatives and Alabama State Senate on Thursday, April 17, 1980, at 11:00 a.m. and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That His Royal Highness receive a copy of this resolution as evidence of our esteem, in appreciation for his friendship and as an expression of our delight in having him with us in Alabama; it is our further desire that a copy also be sent to His Majesty, King Khalid of Saudi Arabia.

On motion of Rep. Dixon, the rules were suspended and the resolution, H. J. R. 172, was adopted.

Also:

By Rep. Gafford:

H. R. 173. DIRECTING THE CLERK OF THE HOUSE TO RESTRICT MEMBERS OF THE NEWS MEDIA TO A SPECIFIC LOCATION IN THE HOUSE CHAMBER.

WHEREAS, there have been numerous complaints by members of the Alabama House of Representatives that confidential conversations with other members have been either accidentally or deliberately overheard by members of the press and other news media who have then reported such conversations without the consent of the members involved; and

WHEREAS, if the duly elected representatives of the citizens of Alabama are to properly and responsibly serve as charged, it is absolutely necessary that they be able to consult and converse with their colleagues without said conversations being prematurely and oftentimes incorrectly quoted by the news media, particularly without consent of the members involved; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the Clerk of the House is hereby authorized and directed to restrict representatives of the press and all other news media to the back of the House Chamber, and that they shall leave said area only to exit the Chamber.

BE IT FURTHER RESOLVED, That entrance to and exit from the Chamber by members of the news media will be made only by way of the door leading to the Rotunda and, under no conditions, may any members of the news media be allowed in any area other than as stated above.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Gafford to suspend the rules and adopt the resolution, H. R. 173, was lost.

The resolution, H. R. 173, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Hammett:

H. J. R. 174. COMMENDING MR. JOSEPH C. WINGARD OF ANDALUSIA, ALABAMA'S FIRST RECIPIENT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION MEDAL OF HONOR.

WHEREAS, it is with extreme pride and pleasure that the Alabama Legislature notes the selection of Mr. Joseph C. Wingard of Andalusia as the recipient of the Medal of Honor of the National Society of the Daughters of the American Revolution; and

WHEREAS, a signal honor indeed, this prestigious award was the first ever to be bestowed upon an Alabama native when Andalusia's Joseph C. Wingard was so lauded at an historic state convention of the Society held March 18, 1980, in Eufaula, Alabama; and

WHEREAS, in keeping with mandates for the award, Mr. Wingard eminently displays the "distinguished attributes of civic pride, patriotism, leadership and trustworthiness" through which he has made "outstanding and lasting contributions to his community"; and

WHEREAS, an Andalusia High School teacher for 14 years and currently serving as secretary of the faculty and chairman of the English Department, Mr. Wingard is a 1976 Kiwanis Man of the Year and founder of the Andalusia High School Heritage Committee; he further was chairman of the Andalusia Bicentennial activities, serving as the official Town Crier and as master of ceremonies for special events of the celebration, and presently is in his second term as president of the Covington County Historical Society; and

WHEREAS, he is the author of numerous published booklets of poetry and of lyrics for a 1974 musical produced to raise funds for the bicentennial events in Andalusia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Joseph C. Wingard, not only as the first Alabamian ever to receive the Medal of Honor of the National Society of the Daughters of the American Revolution, but most particularly for his deep civic and patriotic involvement which led to this outstanding honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Wingard as evidence of our pride and in appreciation for outstanding contributions to his community.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 174, was adopted.

Also:

By Rep. Hammett:

H. R. 175. REQUESTING THE ALABAMA BOARD OF CORRECTIONS TO REIMBURSE THE VARIOUS COUNTIES IN ALABAMA FOR EXPENSES INCURRED FOR THE HOUSING OF STATE PRISONERS IN COUNTY JAILS.

WHEREAS, as a result of a Federal Court order drastically limiting the number of inmates in our state's prisons, it became necessary for many state prisoners to remain incarcerated in the various county jails until such time that the prison population decreased sufficiently to allow their transfer to state facilities; and

WHEREAS, since February 28, 1977, no reimbursement has been made by the state to the counties for the costs incurred for housing, feeding and clothing and for providing medical care for these state prisoners; and

WHEREAS, though the exact amount is unknown, it does involve a sum totaling some several millions of dollars, a legitimate state expense that counties in Alabama are being forced to bear, unfairly and unreasonably; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the Alabama Board of Corrections is hereby requested to consider the above mentioned county-incurred costs as the legitimate state expenses they are, and that they be paid as are all other state expenses as they occur.

BE IT FURTHER RESOLVED, That the Alabama Board of Corrections be notified by copy of this resolution of our desire that they may take immediate steps to comply with this directive.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Hammett to suspend the rules and adopt the resolution, H. R. 175, was lost.

The resolution, H. R. 175, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Biddle and Boles:

H. R. 176. COMMENDING PHI THETA KAPPA HONORARY AT JEFFERSON STATE JUNIOR COLLEGE.

Also:

By Reps. Biddle and Boles:

H. R. 177. RECOGNIZING THE WOMEN'S GYMNASTICS TEAM OF JEFFERSON STATE JUNIOR COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Biddle and Boles:

H. R. 178. COMMENDING THE MEMBERS OF THE JEFFERSON STATE JUNIOR COLLEGE TRACK TEAM.

Also:

By Reps. Biddle and Boles:

H. R. 179. HONORING THE CLASS A REGIONAL CHAMPIONS OF JEFFERSON STATE'S SPEECH AND DEBATE TEAM.

Also:

By Reps. Biddle and Boles:

H. R. 180. CONGRATULATING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR PRESTIGIOUS RANKING IN THE NATIONAL JUNIOR COLLEGE BASKETBALL TOURNAMENT.

COMMITTEE APPOINTED

Pursuant to the resolution, H. J. R. 106, Act 80-119, The Speaker of the House appointed as a Committee on the part of the House, Reps. Daniels, Hammett, Harvey, Pegues and Sandusky.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 155. COMMENDING DR. LARRY LEWISKI, WOMEN'S BASKETBALL COACH AT GADSDEN STATE JUNIOR COLLEGE AND COACH OF THE YEAR, NORTHERN DIVISION, AJCAA.

Also:

H. J. R. 156. HONORING COACH OF THE YEAR STAN COOK OF GADSDEN STATE JUNIOR COLLEGE.

Also:

H. J. R. 157. HONORING COLONEL RICHARD A. PEACOCK OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 159. CONGRATULATING AND COMMENDING THE JEFFERSON STATE JUNIOR COLLEGE PIONEERS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 162. Commending Marengo County Sheriff William H. Smith, Jr., for his outstanding accomplishments in the area of penal reform.

Also:

H. J. R. 164. DESIGNATING THE WEEK OF OCTOBER 7-12, 1980, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

H. J. R. 166. MOURNING THE DEATH OF MARK WISE OF ANDALUSIA, ALABAMA.

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING THE UNIVERSITY OF NORTH ALABAMA BASKETBALL TEAM, OUTSTANDING IN NCAA COMPETITION.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:00 P.M. on April 8, 1980.

H. J. R. 130.

H. 77.

H. 145.

Delivered to the Governor at 3:10 P.M. on April 8, 1980.

H. J. R. 155.

H. J. R. 156.

H. J. R. 157.

H. J. R. 159.

H. J. R. 162.

H. J. R. 164.

H. J. R. 166.

H. J. R. 165.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 2:45 o'clock p.m. having arrived and pursuant to the resolution, H. R. 167, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 10, 1980.

TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Thursday, April 10, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Bob Morrison, Minister of Music, First Baptist Church, Oneonta, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 181. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 10, 1980, we adjourn to meet again on Tuesday, April 15, 1980, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H.R. 181, was adopted.

LEAVES OF ABSENCE

At the request of Rep. Manley, ~~leave of absence~~ was granted for Rep. Dixon.

At the request of Rep. Manley, leave of absence was granted for Rep. Pegues.

At the request of Rep. Gafford, leave of absence was granted for Rep. Biddle, due to personal business.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 687. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 to require that each employed person and every employer pay a monthly per capita sum on himself and on each employee and every self-employed person pay an equal amount into the general fund of the state to be used for the funding of medicare and medicaid programs.

The above bill was read a second time at length as required by the Constitution.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 741. To amend Sections 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

H. 880. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 116. (With Amendment): To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 887. To provide for the filing of all exhibits offered as evidence at a trial with the clerk of the trial court.

H. 249. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 918. To prohibit the sale or offer of sale of beer or soft drinks in glass "throw away" bottles, to provide a penalty for such activity, and to provide for an effective date of July 1, 1981.

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

H. 884. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its prorate share of the aforesaid expenses.

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 667. (With Amendment): To amend Section 6-5-332 of the Code of Alabama 1975 which limits the liability of certain "Good Samaritans" rendering aid at the scene of an accident so as to provide further for those included under such section.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 615. (With Substitute): To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provides for periodic review by the Department of Pensions and Security.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 547. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

H. 213. To prescribe that any cause of action against a municipality, which has corporate limits extending into more than one county, shall be brought against the municipal governing body in the county in which the cause of action arose.

H. 915. To amend sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-10, and 41-20-13 of the Code of Alabama 1975 as amended relating to the Sunset Act of 1976, so as to provide further for review of certain state agencies by the sunset committee and the legislature.

H. 885. To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies terminated; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset

committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business; to provide that the legislature may have any agency reviewed by the sunset committee by passing a joint resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 735. (With Substitute): To create the continuing Legislative Committee on Oversight and to provide for its membership composition; to provide for duties, powers and functions; to provide for the authority to review and evaluate the sufficiency of the agencies of state government, hold public hearings and receive testimony from the public and from all interested parties; to provide for reporting and making recommendations to the legislature in the form of bills or otherwise; to provide that if the committee recommends that an agency be terminated and introduces a bill to such effect, and the legislature does not act in a positive or a negative manner on the bill either to terminate or continue the agency, the agency shall be automatically terminated on the last day of the state fiscal year following the date of sine die of that regular legislative session; to provide for assistance from the examiners of public accounts and the legislative fiscal office; to provide for compensation, per diem and expenses to be paid from legislative funds; and to provide for power to compel the attendance of witnesses, issue subpoenas and subpoenas duces tecum and to hold anyone who fails to obey a subpoena in contempt.

Rep. Roberts, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 650. (With Amendment): To provide that certain public employees who are not presently covered by the state merit system, teacher tenure act, or similar local merit systems shall be entitled to privileges granted to public employees covered by state or local merit systems and by the teacher tenure act.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 886. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

H. 752. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

H. 651. To amend Section 22-21-4, Code of Alabama 1975, which relates to annual audits of books of publicly owned medical institutions, so as to include regional mental health centers and boards.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 843. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Rep. McMillan, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 359. To authorize the Governor to donate surplus books owned by the state to the various law schools in this state and to other institutions of higher learning.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 200. (With Amendment): To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

The above bill was read a second time at length as required by the Constitution.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

H. 828. To prohibit a municipality whose corporate limits do not lie within or extend into a county from exercising any taxing power within such county.

H. 845. To amend Section 40-12-4 of the Code of Alabama 1975, relating to the authority of the county governing body of each of the several counties in this state to levy and provide for the assessment and collection of franchise,

excise, and privilege license taxes in such counties for public school purposes, so as to provide that in all counties having an incorporated municipality in which the general supervision of public schools is vested in a city board of education, said incorporated municipality may, at the discretion of the county governing body, be excluded from the imposition of any such levy and similarly, shall be excluded from the distribution of the proceeds therefrom.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment.

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

H. 920. Relating the Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 413. (With Amendment): Relating to any municipality having a population of not less than 300,000 according to the 1970 or any subsequent federal decennial census; providing further for reducing, re-establishing, or de-annexing the corporate limits and boundaries of such municipalities where the land is contiguous.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 520. (With Amendments): Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment, and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authroize bingo within Jefferson County.

The above bill was read a second time at length as required by the Constitution.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 894. Relating the Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with Amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 533. (With Substitute)(With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 293. (With Substitute) (With Amendment): To further amend Section 2, Act No. 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require the taxpayer to report and pay the sales tax at the rate levied or the actual amount collected, whichever is greater. Requires that the tax on automotive vehicles, truck trailers, semi-trailers, or house trailers required to be registered with the Judge of Probate be paid to the Judge of Probate at the time of registering and licensing the unit.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 431. (With Amendment): To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 252. (With Substitute): To amend further sections 36-32-1 through 36-32-9 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission; and to provide that the legislature shall appropriate funds necessary to carry out the provisions of this act.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 430. (With Substitute): To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the same manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed to the municipalities in which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 876. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

H. 633. To amend Section 36-7-21, Code of Alabama 1975 (as amended), which provides for allowances of persons traveling outside state and authorization of out-of-state travel, so as to exempt persons employed by two-year postsecondary institutions which are under control of the state board of education from having to secure approval of the governor for out-of-state travel; providing persons representing two-year postsecondary institutions which are under control of the state board of education shall receive authority for out-of-state travel from the president of the institution and the state superintendent of education.

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

H. 282. To further provide for creditable service in the Teachers' Retirement System and the Employees' Retirement System of Alabama; to provide for the granting of up to five (5) years creditable service under the respective Retirement Systems of Alabama for certain persons who served on honorable, active full-time military duty in any branch of service of the United States armed forces during a declared war or conflict; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; to provide that the member shall pay the total cost for such credit; and to repeal any conflicting laws.

S. 97. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails.

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an

insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 605. (With Substitute): To amend section 40-9-21 of the Code of Alabama 1975 relating to an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older so as to prescribe the amount of acreage allowed for such exemption.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 587. (With Amendment): To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this act; and to repeal specifically Article 4 of Title 13A of the Code of Alabama 1975 relating to fireworks.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 874. (With Amendments): To establish a certificate of need program to be administered by the state health planning and development agency relating to the provisions of health care facilities and services in Alabama; to require a review and determination of need for major medical equipment, institutional health services and substantial expenditures prior to being undertaken; to require that the state health planning and development agency shall prescribe rules for said review; to provide for judicial review of any determinations made; to provide for injunctive relief for violations; to establish a fee schedule for applications for certificates of need; to provide for periodic appropriations from the general funds as are needed; and repeals Sections 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, 22-21-276, and 22-21-277, Code of Alabama 1975.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 222. (With Amendment): To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

H. 456. (With Amendment): To provide for and authorize the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment and powers of a board of directors of the Authority; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to acquire student loan notes guaranteed or insured under the Higher Education Act of 1965, as amended; to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes; to provide that the bonds and notes of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes, of any bonds or notes theretofore issued by the Authority; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds and as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues, and income of the Authority, and the bonds and notes of the Authority, their transfer and the income from such bonds and notes; to exempt the Authority, its bonds, notes and contracts from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to provide that the Authority shall be a not for profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes of the Authority shall be used to purchase student loan notes or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 571. (With Substitute) (With Amendment): The purpose of this bill is to provide for an unconditional cost-of-living salary increase for all state employees and officials, including certain judges under certain circumstances, and certain in other officials; to provide for revisions of pay rates by the State Personnel Director and by the Administrative Director of Courts, and to appropriate such additional funds as may be necessary to pay such increase.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Trammell, Boles and Cheatwood:

H. R. 182. REQUESTING THE SHERIFF OF JEFFERSON COUNTY TO INVESTIGATE ALLEGED MISUSE OF COUNTY EQUIPMENT.

WHEREAS, Act No. 512 of the 1977 Regular Session of the Legislature abolished the office of coroner in Jefferson County, transferring all powers and duties of said office to the county governing body, including the power of appointment of staff; this act was patterned after similar workable legislation in other states to provide the necessary services in this area needed in Jefferson County; and

WHEREAS, it soon become apparent to many members in the Legislature, as the result of numerous complaints, that the individual appointed to serve as Medical Examiner was abusing his authority to the detriment of the performance of said office; and

WHEREAS, the above mentioned act, as a result, was then repealed by the Legislature and, through Act No. 454, Regular Session, 1979, the office was reestablished with duties and functions transferred to a newly created Jefferson County Coroner-Medical Examiner's Office, and with the further result that the former medical examiner was not reappointed; and

WHEREAS, it is now alleged that this individual, though no longer employed by Jefferson County, continues to be actively involved in the affairs of the Coroner-Medical Examiner's Office and, reportedly, is driving a county-owned automobile despite the fact that, as stated, he is not an employee of the county; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we hereby request the Sheriff of Jefferson County to immediately investigate the above allegations and, should any evidence of wrongdoing be found, take action forthwith to enforce the laws of Jefferson County.

BE IT FURTHER RESOLVED, That the Sheriff of Jefferson County be advised of our request, by copy of this resolution, and that following an investigation, he report his finding to the members of the Jefferson County House Delegation.

On motion of Rep. Trammell, the rules were suspended and the resolution, H.R. 182, was adopted.

Also:

By Rep. Minus:

H. J. R. 183. MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

WHEREAS, Tillman J. Wright passed away on March 15, 1980; and

WHEREAS, Tillman J. Wright was very instrumental in organizing the founding the First National Bank of Butler in 1964; and

WHEREAS, he served as a member of the Board of Directors of said Bank from its beginning until his death, during which time he contributed greatly to its growth and development through his devoted and unselfish efforts; and

WHEREAS, Tillman J. Wright was also a devoted public official, having served as a member of the City Council of the City of Butler, Alabama, for 22 years, as Mayor Pro Tem of the City of Butler for one year, and as a member of the Utilities Board of said city from its first organization.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members hereby extend their sympathy to the widow, Olna P. Tillman; a son, Donald T. Tillman, relatives and his many friends; especially the Directors, Bank Officials and Employees of the First National Bank of Butler.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to his widow and to the Board of Directors of the First National Bank of Bulter.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 183, was adopted.

Also:

By Rep. Smith (C):

H. J. R. 184. REQUESTING THE STATE BOARD OF EDUCATION TO REVISE THE ALABAMA SCHOOL REGISTERS AND RELATED REPORTS TO ELIMINATE UNNECESSARY REPORTING.

WHEREAS, school teachers and principals spend a great deal of their time filling out the information required by the Alabama School Register and its related reports; and

WHEREAS, some of this time could seemingly be better devoted to strictly educational functions; and

WHEREAS, it is the desire of the Alabama Legislature that the Alabama State Board of Education review and revise the Alabama School Register and related reports to eliminate any unnecessary information and data required therefor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Board of Education is hereby requested to review and revise the Alabama School Register and related reports and eliminate any unnecessary information and data required therefor.

BE IT FURTHER RESOLVED, That the State Board of Education is requested to reply to the Alabama Legislature when they have completed their work on this matter informing us of what they have done.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 184, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Dial:

H. R. 185. COMMENDING THE STATE 2A BASKETBALL CHAMPIONS, THE GOLDEN BEARS OF TALLADEGA COUNTY HIGH.

Also:

The following resolutions were introduced:

By Reps. Dial, Shoemaker, Moore, Johnson (R.G.) and Campbell:

H. J. R. 186. RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

WHEREAS, a native of Washington, D.C., and a resident of Florida for many years, Mr. William H.G. France is acknowledged as the most influential leader in American Motorsports; and

WHEREAS, through the organizing founder and longtime president of NASCAR and a 1976 selection for the Stock Car Racing Hall of Fame, "Big Bill" France is known and gratefully admired in Alabama for his establishment of the now world-famous Alabama International Motor Speedway at Talladega, centrally located to benefit from Alabama's great potential for attracting large attendance to the facility destined to become the "new" Indianapolis of Motorsports; and

WHEREAS, it is to be further noted and appreciated that Mr. France constructed the 2.66 mile Alabama International Motor Speedway at an estimated cost of \$7 million, and although many other states and municipalities offered staggering incentives in financial aid to sports promoters, the Talladega Speedway was constructed at no cost whatsoever to the taxpayers of Alabama; and

WHEREAS, with deep faith in Alabama and firmly committed to furthering its growth and prosperity, Bill France determinedly and enthusiastically carries the word of our State wherever he goes, truly a good will ambassador for all Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in heartfelt appreciation and praise, we express our highest regard for Mr. William H.G. France; we extend to him a cordial invitation to address the Alabama House and Senate at his earliest convenience and hopefully anticipate his acceptance.

BE IT FURTHER RESOLVED, That Mr. France be presented with a copy of this resolution in token of gratitude and in commendation of his incomparable contributions to American Motorsports.

On motion of Rep. Dial, the rules were suspended and the resolution, H.J.R. 186, was adopted.

Also:

By Rep. Cates:

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

WHEREAS, there are numerous and various funds of the multiple state agencies, departments and boards which receive state appropriations to be handled and invested in many diverse manners; and

WHEREAS, the complexity of such disposition of state funds needs to be thoroughly investigated and studied for the purpose of assessing existing procedures and making recommendations as to the management of such vast amounts of money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three

members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and vice chairman. The committee shall make an in-depth investigation and study of the management of all public funds involving any state monies whatsoever.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

The resolution, H.J.R. 187, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Carothers, Grimsley and Daniels (With Notice and Proof):

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Williams:

H. 924. To repeal Act No. 79-756, H. 427, 1979 Regular Session (Acts 1979, p. 1342) entitled "An Act To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require

proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date."

Commerce and Transportation.

By Reps. Starkey, Coburn and Greer:

H. 925. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions under which the authority shall be created; provides for the election of the officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

Local Government.

By Rep. Gilmer:

H. 926. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

Highway Safety.

By Rep. Bennett:

H. 927. To amend Section 40-18-5 of the Code of Alabama 1975 relating to income tax on individuals so as to provide that such tax be computed as a certain percentage of an individual's federal income tax liability and depositing any increase in revenue into the general fund to the credit of Medical Services Administration, subject to the adoption of an amendment to the Alabama Constitution authorizing the provisions of this act.

Ways and Means.

By Rep. Bennett:

H. 928. To propose an amendment to the Constitution to provide that the state income tax on individuals shall be computed as a certain percentage of an individual's federal income tax liability and depositing any increase in revenue into the general fund to the credit of Medical Services Administration, and to repeal any conflicting acts and amendments.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hilliard (With Notice and Proof):

H. 929. To amend Section One of Act No. 129 of the Regular Session of the Legislature of Alabama of 1965 (Acts of 1965, Pages 194-195), providing that the governing body of any city in the state having a population of

300,000 inhabitants or more, according to the last or any subsequent federal census, shall have the power and authority to grant members of such governing body money for expenses incurred in attending business of such city within its corporate limits not exceeding a total amount of Eleven Thousand Dollars (\$11,000.00) in any one fiscal year of such city.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 929, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hilliard (With Notice and Proof):

H. 930. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, Pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cabaniss (With Notice and Proof):

H. 931. To authorize and make provision for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling or any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, offstreet parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises

engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance- to provide for the investment of funds of any such Authority; to provide for the use of proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of

any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

Local Legislation No. 2.

CERTIFICATE AS TO PROOF OF PUBLICATION
OF NOTICE RESPECTING HOUSE BILL 931.

Pursuant to section 106 of the Constitution of Alabama, as amended, I hereby certify that House Bill 931 as introduced in the House has attached thereto an affidavit by the bookkeeper of the Birmingham Post Herald, a newspaper published in Jefferson County, Alabama, that there was published in said newspaper on the 22nd and 29th days of February, 1980; and 7th and 14th days of March, 1980, a notice in the form attached as a clipping to the said affidavit, which notice sets forth in full the said House Bill as introduced and states the intention to apply for its enactment.

JOHN W. PEMBERTON,
Clerk.

By Reps. Whatley and Ward:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Whatley (With Notice and Proof):

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnership companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 933, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA. 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry, McMillan, Harper (T), Kennedy, Zoghby, Parker, Sandusky, Stewart and Warren:

H. 934. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated,

uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Ways and Means.

By Rep. Zoghby:

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

State Administration.

By Reps. Turner, Parker and McMillan:

H. 936. To make an appropriation from the state general fund for an engineering study of flooding in the Saraland area and Satsuma.

Ways and Means.

By Rep. Carothers:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

Ways and Means.

By Rep. Owens (With Notice and Proof):

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 938, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Owens, Mitchell, Barton, Howard, Clark (G) and Johnson (Roy)
(With Notice and Proof):

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 944 , AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Patton and Roberts:

H. 945. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments, so as to increase the interest rate on the payment of the assessments.

Local Government.

By Reps. Patton and Roberts:

H. 946. To authorize any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, when providing for the payment of municipal assessments to increase the interest rate on the payment of the assessment.

Local Government.

By Rep. Harvey (With Notice and Proof):

H. 947. Relating to Blount County; further providing for the costs and charges in criminal proceedings in any court of the county and repealing Act No. 406, H. 132, Regular Session 1975 (Acts 1975, p. 1005).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 947 , AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner, Jackson, Albright, Cabaniss, Lewis, Amari, Bennett, Reed, Carter, Payne, Sandusky, Holmes, Dixon, Campbell, Patton, Horn, Barton, Hilliard, Johnson (Roy), Harper (T), Stewart, Zoghby, Kennedy and Tucker:

H. 948. To amend Code of Alabama, 1975, § 5-9-40 through § 5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide that procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate,

creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Banking.

By Reps. Waggoner, Howard, Gafford, Seibels and Horn:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Local Legislation No. 2.

By Rep. Gafford (With Notice and Proof):

H. 950. An Act to further amend, in the respect indicated in this title, section 1 of ARTICLE VI of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pages 1579 et seq.) as said section 1 of ARTICLE VI has been heretofore amended by section 6 of Act No. 791 of the Regular Session of the Legislature of Alabama of 1975 (Ala. Acts, 1975, pages 1592 and 1593), which said Act No. 929 established in every city of the State having the population prescribed in said Act No. 929 a pension system for municipal employees and officers; to provide by this amendatory act a deferred pension for members of said pension system who, after having served the city for ten years or more, depart the service of the city; and to provide the amount of such pension, the time during which the pension will be payable and the terms and conditions on which a member of the system will be entitled to the deferred pension.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Buskey, Clark (W) and Kennedy:

H. 951. To amend Section 13A-11-50, Code of Alabama 1975, which provides for the punishment and fines for carrying a concealed weapon, so as to increase said punishment and fines.

Judiciary.

By Rep. Owens:

H. 952. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax exemption on the motor fuel known as "gasohol," as defined herein.

Ways and Means.

By Rep. Greer (With Notice and Proof):

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 953, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 128, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Figures (With Notice and Proof):

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 440 , AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 440. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. St. John:

S. 76. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees, retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 76. Ways and Means

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 334. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Also:

By Mr. Miller:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

Also:

By Messrs. Kirkland, Miller, Goodwin, Keener, Britnell, Denton, Robertson, Proctor, Teague, St. John, Cook, Holmes, Bailey, Taylor, Parsons and Little:

S. 367. To prescribe that the willfull or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

Also.

By Messrs. Kirkland and Callahan:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

Also:

By Mr. Martin:

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Also:

By Mr. Miller:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such

properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 334. Ways and Means.
- S. 246. Ways and Means.
- S. 367. Judiciary.
- S. 380. State Administration.
- S. 89. Ways and Means.
- S. 327. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Mitchem, Denton, Britnell, Miller, Holmes, Kirkland, Higginbotham and McDonald:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Also:

By Mr. Mitchem:

S. 98. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state opportunity to receive the same privileges and sanctions offered to resident motorists.

Also:

By Mr. Callahan:

S. 339. To provide for a minimum salary for certain probate judges.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, where severally read one time and referred to appropriate Standing Committees as follows:

S. 393. Agriculture and Forestry.

S. 98. Judiciary.

S. 339. Local Government.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Letson:

H. R. 188. COMMENDING MR. OWEN SANDLIN OF MOULTON, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Whatley, Smith (C), Adams (H), Letson, Edwards and Warren:

H. J. R. 189. DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$600 million annually and accounting for over 34 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Wayne McElrath, Albertville, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor, and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 1-7 is hereby declared to be "ALABAMA POULTRY WEEK."

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Alabama Poultry and Egg Association, Cullman, Alabama.

On motion of Rep. Whatley, the rules were suspended and the resolution, H. J. R. 189, was adopted.

Also:

By Reps. Whatley, Carothers, Shoemaker, Johnson (R. G.), Edwards, Ward, Warren, Smith (C) and McKee:

H. J. R. 190. CONGRATULATING DR. HANLY FUNDERBURK ON HIS SELECTION AS PRESIDENT OF AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama is extremely pleased to note the selection of Dr. Hanly Funderburk as president of Auburn University to succeed Dr. Harry Philpott; and

WHEREAS, Dr. Funderburk is impressively prepared to assume the momentous duties of such presidency, as he brings with him more than a decade of experience as Chancellor of Auburn University in Montgomery; and

WHEREAS, further, in support of his selection by the Auburn Board of Trustees, we pledge to Dr. Funderburk full cooperation and encouragement during his tenure as president of Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Dr. Hanly Funderburk and direct that he receive a copy of this resolution, a declaration of our praise and high regard.

On motion of Rep. Whatley, the rules were suspended and the resolution, H. J. R. 190, was adopted.

BILLS ON THIRD READING

And the bill:

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Dial, Edwards, Gafford, Gilmer, Hall, Hammett, Harper (O), Harvey, Johnson (Roy), Kennedy, Langford, McKee, Manley, Minus, Moore, Naramore, Olive, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Tucker, Venable, Waggoner, Ward, Williams and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Edwards, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Penry, Rains, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Waggoner, Ward, Williams and Willis.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license of fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, Manley, Minus, Moore, Naramore, Penry, Rains, Reed, Sasser, Shoemaker, Smith (J), Stewart, Stout, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Holley, Horn, Kennedy, Laird, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Penry, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 840. To amend Section 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen

so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (G), Coburn, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (Roy), Kennedy, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Penry, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Ward, Williams, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Patton, Payne, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—65

And the bill:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (Roy), Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—65

And the bill:

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Rains, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

And the bill:

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard,

Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (Roy), Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 869. Proposing an amendment to the Constitution of Alabama relating to the offices of tax assessor and tax collector in Montgomery County and providing for the transfer of the duties relating to the assessment and collection of ad valorem taxes on motor vehicles of said offices to another office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—92

And the bill:

H. 820. (With Amendment): to alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 2, line 31, add the following Section and renumber the remaining sections:

Section 2. The police jurisdiction of the City of Daleville shall not extend beyond the limits of that parcel of land brought into the corporate limits of the City of Daleville under the provisions of Section 1 of this Act.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—63

And the bill, H. 820 as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

And the bill:

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

And the bill:

H. 826. (With Substitute): To authorize the Randolph County Commission with the power to determine the qualifications for the county engineer. This act shall have retroactive effect.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Randolph County Commission is hereby empowered to determine the qualifications for the county engineer, provided that such qualifications meet the minimum requirements under the state law regarding qualifications of engineers. It is further provided that the county engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective, retroactive to February 1, 1980.

And the substitute was adopted.

Yeas 66; Nays 1.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Blake Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Penry, Rains, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

Nay: Rep. Horn.

—1

And the bill:

H. B. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

Nay: Rep. Hall.

—1

And the bill:

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such pleas shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (Roy), Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Penry, Rains, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Williams, Willis, Wyatt and Zoghby.

—57

And the bill:

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared

indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 852:

On page 3, line 20, after the word "representation" insert: is required

On page 8, on line 36, strike the word "County" and insert in lieu thereof: District

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

And the bill, H. 852 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—66

And the bill:

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

And the bill:

H. 854. Relating to Tuscaloosa County; establishing a county judicial commission for the purpose of nominating persons for appointment to vacancies in the office of judge of circuit court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Patton, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Williams, Willis, Wyatt and Zoghby.

—54

And the bill:

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—64

And the bill:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Cosby, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Reed, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

MOTION TO SUSPEND RULES LOST

To motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, H. 340, was lost, lacking a four-fifths vote.

Yeas 11; Nays 4.

Yeas:

Reps. Boles, Cheatwood, Harrison, Horn, Howard, Jackson, Lewis, Payne, Trammell, Tucker and Willis.

—11

Nays: Reps. Cabaniss, Olive, Seibels and Waggoner.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Amari:

H. J. R. 191. COMMENDING D. WAYNE GOODE, DEDICATED
CIVIC SERVANT

WHEREAS, D. Wayne Goode has worked arduously for many years as Chairman of Birmingham Downtown Sertoma Club's Camp Sertoma, giving freely of his resources and time for the benefit of numerous handicapped children, and

WHEREAS, in addition to the tremendous duties and responsibilities associated with the camp and his employment as Vice-President and Personnel Director for Loveman's of Alabama, he also has been extremely active as a United Way Campaign Chairman for eight years and an officer and board member of the Birmingham Downtown Sertoma Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend most highly D. Wayne Goode, prominent Birmingham Civic Leader, for his many accomplishments and contributions to handicapped children and to the community,

BE IT FURTHER RESOLVED, that D. Wayne Goode be presented with a copy of this resolution as a token of our appreciation and esteem.

On motion of Rep. Amari, the rules were suspended and the resolution, H.J.R. 191, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, H. 867, was lost.

Yeas 30; Nays 33.

Yeas:

Reps.: Bedsole, Bowling, Cabaniss, Carter, Cates, Clark (G), Coburn, Cosby, Gafford, Goodwin, Greer, Hammett, Holley, Johnson (R.G.), McMillan, Minus, Moore, Patton, Payne, Reed, Roberts, Sandusky, Smith (C), Smith (J), Stewart, Turner, Waggoner, Warren, Wyatt and Zoghby.

—30

Nays:

Reps.: Adams (C), Amari, Bennett, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Daniels, Drinkard, Gilmer, Grouby, Hall, Harper (T), Holmes, Horn, Howard, Jackson, Laird, McKee, Mitchell, Olive, Parker, Rains, Riddick, Seibels, Shoemaker, Starkey, Stout, Tucker, Venable, Whatley and Willis.

—33

BILLS ON THIRD READING RESUMED

And the bill:

H. 522. (With Substitute)(With Amendment): To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The words and phrases "person," "malt or brewed beverages," "sale" and "sell," wherever used in this Act, shall have the meanings respectively ascribed to them in Title 28 of the Code of Alabama 1975.

Section 2. In addition to all other taxes now imposed by law, and in addition to the licenses provided for by Title 28, Code of Alabama 1975, as amended, there is hereby levied a privilege or excise tax on every person licensed under the provisions of Title 28, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages, and shall be an amount equal to eight cents for each twelve fluid ounces or fractional part thereof.

Section 3. The tax hereby levied shall be collected by the Alcoholic Beverage Control Board in the same manner as other taxes and license fees are collected by it.

The tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent for the state for the collection and payment of the tax.

Section 4. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 5. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 41; Nays 19.

Yeas:

Reps.: Barton, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Drinkard, Edwards, Goodwin, Greer, Grouby, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Letson, Manley, Naramore, Patton, Payne, Rains, Roberts, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—41

Nays:

Reps.: Albright, Bedsole, Blake, Cosby, Crow, Dial, Ford, Hall, Harper (T), Horn, McMillan, Minus, Mitchell, Olive, Penry, Sandusky, Smith (M), Stewart and Zoghby.

—19

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 522 as Substituted in the Synopsis on line 11 by striking therefrom the word "eight" and inserting in lieu thereof the word: five

Further amend House Bill 522 as Substituted on page 2, in Section 2, on line 8, by striking therefrom the word "eight" and inserting in lieu thereof the word: five

MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Waggoner to postpone further consideration of the bill, H. 522 as amended and with pending amendment, to the twenty-fifth legislative day, was tabled.

Yeas 50; Nays 43.

Yeas:

Reps.: Adams, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Harper (O), Harvey, Holley, Holmes, Kelley, Kennedy, Laird, Langford, Letson, McKee, Mitchell, Naramore, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams and Wyatt.

—50

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Waggoner, Whatley and Zoghby.

—43

The question was again on the adoption of the amendment reported by the Standing Committee on Ways and Means, and the amendment was adopted.

Yeas 70; Nays 3.

Yeas:

Reps.: Adams, Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Williams and Wyatt.

—70

Nays:

Reps.: Boles, Carter and Crow.

—3

MOTION TO ADJOURN LOST

The motion offered by Rep. Barton that the House adjourn, was lost.

H. 522 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Waggoner to postpone further consideration of the bill, H. 522 as amended to the twenty-third legislative day, was tabled.

Yeas 46; Nays 41.

Yeas:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Edwards, Goodwin, Greer, Grouby, Harper (O), Harvey, Holley, Holmes, Howard, Jackson, Kelley, Laird, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Ward, Warren, Williams and Wyatt.

—46

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Drinkard, Ford, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Mitchell, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Waggoner, Whatley and Zoghby.

—41

AMENDMENT OFFERED

Rep. Sandusky offered the following amendment to the bill, H. 522 as amended:

Amend Substitute to H. B. 522, Section 7, on Page 2, Line 36 by striking the words "the first day of the second month" and substituting, therefore, the words "October 1, 1999".

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Sandusky to the bill, H. 522 as amended was tabled.

Yeas 46; Nays 37.

Yeas:

Mr. Speaker, Adams, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Jackson, Kelley, Kennedy, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Rains, Reed, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stout, Turner, Venable, Ward, Warren, Williams and Wyatt.

—46

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Clark (G), Cosby, Crow, Dial, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Waggoner, Willis and Zoghby.

—37

MOTION TO REMOVE FROM TABLE LOST

Having voted on the prevailing side, Rep. Tucker offered the motion to remove from the table the motion offered by Rep. Waggoner to postpone consideration of the bill, H. 522 as amended to the twenty-fifth legislative day, and the motion was lost.

Yeas 42; Nays 49.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial,

Drinkard, Ford, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Tucker, Waggoner and Zoghby.

—42

Nays:

Mr. Speaker, Adams, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Jackson, Kelley, Laird, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Rains, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams and Wyatt.

—49

AMENDMENT OFFERED

Rep. Amari offered the following amendment to the bill, H. 522 as amended:

Amend Substitute to H.B. 522, Section 7, on Page 2, Line 36 by striking the words "the first day of the second month" and substituting, therefore, the words "October 1, 1990".

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Amari to the bill, H. 522 as amended, was tabled.

Yeas 47; Nays 31.

Yeas:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Kelley, Laird, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Payne, Rains, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Venable, Ward, Warren, Williams and Wyatt.

—47

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Blake, Cabaniss, Carothers, Clark (G), Cosby, Crow, Dial, Hall, Hammett, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Mitchell, Moore, Parker, Penry, Sandusky, Seibels, Shoemaker, Stewart, Waggoner and Zoghby.

—31

MOTION TO RECESS LOST

The motion offered by Rep. Lewis, that the House recess until 2:00 o'clock p.m., was lost.

AMENDMENT OFFERED

Rep. Sandusky offered the following amendment No. 2 to the bill, H. 522 as amended:

Amend House Bill 522 as Substituted in the Synopsis on line 11 by striking therefrom the word "eight" and inserting in lieu thereof the word: two-tenths of one

Further amend House Bill 522 as Substituted on page 2, in Section 2, on line 8, by striking therefrom the word "eight" and inserting in lieu thereof the word: two tenths of one

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Sandusky to the bill, H. 522 as amended, was tabled.

Yeas 50; Nays 38.

Yeas:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Daniels, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Holley, Holmes, Jackson, Kelley, Kennedy, Laird, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Ward, Warren, Williams and Wyatt.

—50

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Drinkard, Ford, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Mitchell, Moore, Payne, Penry, Sandusky, Seibels, Shoemaker, Stewart, Tucker, Waggoner and Zoghby.

—38

MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Clark (G) to postpone further consideration of the bill, H. 522 as amended, to the twenty-second legislative day, was tabled.

Yeas 50; Nays 47.

Yeas:

Mr. Speaker, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Daniels, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Naramore, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Smith (C), Starkey, Stout, Turner, Turnham, Ward, Warren, Whatley, Williams and Wyatt.

—50

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Crow, Dial, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Lewis, McMillan, Minus, Mitchell, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Tucker, Venable, Waggoner and Zoghby.

—47

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 522 as amended:

Amend House Bill 522 as Substituted in the Synopsis on line 11 by striking therefrom the word "five" and inserting in lieu thereof the word: one-tenth of one

Further amend House Bill 522 as Substituted on page 2, in Section 2, on line 8, by striking therefrom the word "five" and inserting in lieu thereof the word: one-tenth of one

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Barton to the bill, H. 522 as amended, was tabled.

Yeas 44; Nays 40.

Yeas:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Kelley, Laird, Langford, Letson, McKee, Manley, Naramore, Nevett, Olive, Patton, Rains, Ray, Riddick, Roberts, Smith (C), Smith (J), Starkey, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—44

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Howard, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Tucker, Waggoner and Zoghby.

—40

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side, Rep. Cosby offered the motion to remove from the table the motion offered by Rep. Clark (G) to postpone further consideration of the bill, H. 522 as amended, to the twenty-second legislative day, and the motion offered by Rep. Cosby was adopted.

Yeas 51; Nays 43.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, McMillan, Minus, Moore, Nevett, Parker, Payne, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner and Zoghby.

—51

Nays:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Naramore, Olive, Owens, Patton, Rains, Riddick, Roberts, Shavers, Smith (C), Starkey, Stout, Tucker, Turner, Ward, Warren, Whatley, Williams and Wyatt.

—43

MOTION TO POSTPONE

Rep. Clark (G) offered the motion to postpone further consideration of the bill, H. 522 as amended to the twenty-second legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Turner to table the motion offered by Rep. Clark (G) to postpone further consideration of the bill, H. 522 as amended, to the twenty-second legislative day, was lost.

Yeas 48; Nays 48.

Yeas:

Mr. Speaker, Adams (H), Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Naramore, Nevett, Olive, Owens, Patton, Rains, Riddick, Roberts, Shavers, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams and Wyatt.

—48

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Ford, Gilmer, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, McMillan, Manley, Minus, Moore, Parker, Payne, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Tucker, Venable, Waggoner and Zoghby.

—48

H. 522 POSTPONED

The question was then on the motion offered by Rep. Clark (G), to postpone further consideration of the bill, H. 522 as amended, to the twenty-second legislative day, and the motion was adopted.

Yeas 48; Nays 46.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Tucker, Venable, Waggoner and Zoghby.

—48

Nays:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Patton, Rains, Riddick, Roberts, Shavers, Smith (C), Starkey, Stout, Turner, Turnham, Ward, Warren, Whatley, Williams and Wyatt.

—46

MOTION TO ADJOURN LOST

The motion offered by Rep. Dial that the House adjourn, was lost.

RESOLUTION

The following resolution was introduced:

By Rep. Hines:

H. J. R. 192. RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections Management and Performance Evaluation Committee created by Act 84, HJR 126, 1976 Regular Session (Acts 1976, p. 84) and supplemented by Act 79-52, SJR 19, 1979 Regular Session (Acts of 1979, p. 70) shall henceforth be known as the Joint Prison Committee.

On motion of Rep. Hines, the rules were suspended and the resolution, H.J.R. 192, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 84. (With Amendment): To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state during the 1980-81 fiscal year; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be used for Medicaid purposes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 1, in the Synopsis, lines 10, 11 and 12 delete all the language between the word "cigarettes" and the word "and"

On page 1, in the Synopsis, line 13, delete the period and add the following language: and provides for an effective date.

On page 1, in the Title, line 21, delete all the language between the word "state" and the semicolon

On page 1, in the Title, line 24, delete the period and add the following language: and provides for an effective date.

On page 3, Section 6, lines 31 and 32, delete all the language after the word "effective" and insert in lieu thereof:

two months after the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Boles, Bowling, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Daniels, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Stewart, Trammell, Tucker, Warren, Whatley, Willis and Wyatt.

—53

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 84 as amended:

Amend House Bill 84, Page 1, in the Synopsis, beginning on Line 12 by placing a period after the word "year" and by striking and earmarks the proceeds for Medicaid purposes.

Further amend the bill, Page 1, in the Title, beginning on Line 23, after the word "be" by striking used for Medicaid purposes and inserting in lieu thereof credited to the state general fund.

Further amend the bill, Page 3, Section 3, Line 24, by placing a period after the word "fund" and striking to be expended for Medicaid purposes.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the amendment offered by Rep. Owens, was lost.

Yeas 33; Nays 40.

Yeas:

Reps.: Adams (C), Albright, Blake, Buskey, Cheatwood, Clark (W), Crow, Drinkard, Edwards, Ford, Goodwin, Grimsley, Hall, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Manley, Nevett, Olive, Patton, Rains, Shavers, Trammell, Tucker, Turner, Ward, Williams, Wyatt and Zoghby.

—33

Nays:

Mr. Speaker, Adams (H), Barton, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Gilmer, Gregg, Grouby, Hammett, Harper (O), Harrison, Hines, Kelley, Letson, McMillan, Minus, Moore, Naramore, Owens, Payne, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Venable, Whatley and Willis.

—40

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Owens to the bill, H. 84 as amended, and the amendment was adopted.

Yeas 57; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grouby, Hammett, Harper (O), Harrison, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Starkey, Stewart, Turner, Warren, Whatley, Willis and Zoghby.

—57

Nays:

Reps.: Albright, Blake, Buskey, Clark (W), Crow, Grimsley, Hall, Hilliard, Holley, Holmes, Horn, Howard, Langford, Rains, Seibels, Smith (C), Tucker and Wyatt.

—18

SUBSTITUTE OFFERED

Rep. McKee offered the following substitute to the bill, H. 84 as amended:

A BILL TO BE ENTITLED AN ACT

To levy an additional privilege and license tax on the sale, storage, use consumption, or delivery of certain tobacco products; providing for the collection and enforcement of such taxes; and providing for the disposition of the net proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes, chewing tobacco or snuff or any substitute thereof, shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes, chewing tobacco or snuff or any substitute thereof for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The additional tax hereby levied shall be at the following rates:

(1) On each package of cigarettes containing twenty cigarettes or less, four cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, eight cents; and on each package of cigarettes containing more than forty cigarettes, ten cents;

(2) On all chewing tobacco prepared in such manner as to be suitable for chewing only, and not suitable for smoking, two cents per ounce or fractional part thereof;

(3) On each can or package of snuff weighing not more than five-eighths ounces, one cent; over five-eighths ounces and not exceeding one and five-eighths ounces, two cents; over one and five-eighths ounces and not exceeding two and one-half ounces, two cents; over two and one-half ounces and not exceeding five ounces (cans, packages, gullets), three cents; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), four cents; over five ounces and not exceeding six ounces, five cents; weighing over six ounces, an additional six cents for each ounce or fractional part thereof.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, chewing tobacco, snuff or any substitute thereof, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the packages at the rates set out hereinabove and in the manner provided by Section 2, hereof.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Title 40, Chapter 25, of the Code of Alabama 1975, or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in said chapter, or any laws amendatory thereof or

supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by said chapter, as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes, chewing tobacco or snuff or any substitute thereof, as enumerated in this Act single stamps of the requisite denomination to represent the payment of the tax levied hereby as well as the tax levied by said chapter, as amended.

Section 3. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The tax herein levied is in addition to all provisions of Title 40, Chapter 25 of the Code of Alabama, 1975. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holmes, the substitute offered by Rep. McKee to the bill, H. 84 as amended, was tabled.

Yeas 59; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Boles, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Manley, Minus, Moore, Nevett, Olive, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Starkey, Tucker, Turner, Venable, Warren, Williams, Wyatt and Zoghyby.

—59

Nays:

Reps.: Amari, Bennett, Blake, Bowling, Clark (G), Crow, Dial, Edwards, Gregg, Johnson (R. G.), Kelley, Letson, Lewis, Parker, Stewart and Ward.

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

Also:

H. J. R. 169. MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

Also:

H. J. R. 172. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 183. MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

Also:

H. J. R. 186. RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

Also:

H. J. R. 189. DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

Also:

H. J. R. 190. CONGRATULATING DR. HANLY FUNDERBURK ON HIS SELECTION AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

H. J. R. 191. COMMENDING D. WAYNE GOODE, DEDICATED CIVIC SERVANT.

McDOWELL LEE,
Secretary.

H. 84 RESUMED
AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 84 as amended:

On page 2, Section 1, delete all the language in subsection (d) on lines 31 through 33.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy),

Kelley, Kennedy, Laird, Langford, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps.: Albright, Bedsole, Clark (G), Cosby, Crow, Dial, Hall, Letson, Manley, Sandusky, Shoemaker and Stewart.

—12

AMENDMENT OFFERED

Rep. Dial offered the following amendment No. 1 to the bill, H. 84 as amended:

Amend H. B. 84 in the Synopsis, on line 9, by striking therefrom the words six cents (6¢) and inserting in lieu thereof the words: 12¢ cent.

Further amend H. B. 84 in section 1, page 2, on line 10, by striking therefrom the words six cents and inserting in lieu thereof the words: 12¢ cent

Further amend H. B. 84 in section 1, page 2, line 12, by striking therefrom the words ten cents and inserting in lieu thereof the words: 12¢ cent

Further amend H. B. 84 in section 1, page 2, line 13, by striking therefrom the words twelve cents and inserting in lieu thereof the words: 12¢ cent

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment No. 1 offered by Rep. Dial to the bill, H. 84 as amended, was tabled.

Yeas 68; Nays 14.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Warren, Williams, Wyatt and Zoghby.

—68

Nays:

Reps.: Adams (C), Albright, Bedsole, Carothers, Clark (G), Cosby, Dial, Hall, Johnson (R. G.), Manley, Mitchell, Moore, Shoemaker and Smith (M).

—14

AMENDMENT OFFERED

Rep. Dial offered the following amendment No. 2 to the bill, H. 84 as amended:

Amend H. B. 84 in the Synopsis, on line 9; by striking therefrom the words six cents (6¢) and inserting in lieu thereof the words: one cent

Further amend H. B. 84 in section 1, page 2, on line 10, by striking therefrom the words six cents and inserting in lieu thereof the words: one cent

Further amend H. B. 84 in section 1, page 2, line 12, by striking therefrom the words ten cents and inserting in lieu thereof the words: one and two-third cents

Further amend H. B. 84 in section 1, page 2, line 13, by striking therefrom the words twelve cents and inserting in lieu thereof the words: two cents

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment No. 2 offered by Rep. Dial to the bill, H. 84 as amended, was tabled.

Yeas 57; Nays 18.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, Manley, Minus, Naramore, Nevett, Olive, Patton, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Tucker, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—57

Nays:

Reps.: Albright, Amari, Campbell, Carothers, Clark (G), Coburn, Dial, Ford, Hall, Letson, Lewis, Moore, Payne, Sandusky, Seibels, Shoemaker, Smith (M) and Waggoner.

—18

MOTION TO ADJOURN LOST

The motion offered by Rep. Penry that the House adjourn was lost.

H. 84 RESUMED MOTION TO POSTPONE TABLED

On motion of Rep. Holmes, the motion offered by Rep. Dial to postpone further consideration of the bill, H. 84 as amended, to the twenty-second legislative day, was tabled.

Yeas 66; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy,

Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Parker, Patton, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Stewart, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

Nays:

Reps.: Albright, Barton, Campbell, Carothers, Clark (G), Coburn, Cosby, Crow, Dial, Gregg, Hall, Letson, Moore, Payne, Sandusky, Smith (M) and Waggoner.

—17

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill, H. 84 as amended:

Amend H. B. 84 in the Synopsis, on line 9, by striking therefrom the words six cents (6¢) and inserting in lieu thereof the words: four cents

Further amend H. B. 84 in section 1, page 2, on line 10, by striking therefrom the words six cents and inserting in lieu thereof the words: four cents

Further amend H. B. 84 in section 1, page 2, line 12, by striking therefrom the words ten cents and inserting in lieu thereof the words: six cents.

Further amend H. B. 84 in section 1, page 2, line 13, by striking therefrom the words twelve cents and inserting in lieu thereof the words: ten cents

AMENDMENT TABLED

On motion of Rep. Holmes the amendment offered by Rep. McKee to the bill, H. 84 as amended, was tabled.

Yeas 53; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Gilmer, Grouby, Hall, Hammett, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Trammell, Tucker, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Bedsole, Coburn, Cosby, Crow, Edwards, Goodwin, Greer, Gregg, Kelley, Letson, McKee, Moore, Payne, Sandusky, Seibels, Smith (C), Smith (M), Starkey, Stewart, Ward and Warren.

—21

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Also:

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Also:

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Also:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. 11, p. 838), in relation to the expense allowance of members of the civil service board.

Also:

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Also:

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Also:

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Sandusky that the House adjourn, was lost.

H. 84 RESUMED

SUBSTITUTE OFFERED

Rep. Smith (M) offered the following substitute to the bill, H. 84 as amended:

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of certain tobacco products within this state during the 1980-81 fiscal year; to provide for the collection and enforcement of such taxes; to provide that the proceeds thereof shall be used for medicaid purposes; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the state of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the state of Alabama any tobacco products of whatever nature, as defined in Section 40-25-1 of the Code of Alabama 1975, shall collect and pay over to the state of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of tobacco products, as defined in Section 40-25-1 of the Code of Alabama 1975, for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of such tobacco products, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from state of Alabama, and affix the same to the packages or containers at the rates set out hereinabove and in the manner provided by Section 2, hereof.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

(d) The tax herein levied shall be in effect only during the 1980-81 fiscal year and shall terminate on September 30, 1981.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Chapter 25 of Title 40 of the Code of Alabama 1975, or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings,

rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in said chapter, or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by said chapter, as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the tobacco products as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by said chapter, as amended.

Section 3. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund to be expended for medicaid purposes.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day after the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holmes, the substitute offered by Rep. Smith (M) to the bill, H. 84 as amended, was tabled.

Yeas 44; Nays 16.

Yeas:

Mr. Speaker, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Laird, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Rains, Sasser, Starkey, Stout, Tucker, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—44

Nays:

Reps.: Adams (C), Albright, Bennett, Cosby, Crow, Ford, Gregg, Hall, Letson, Riddick, Smith (C), Smith (J), Smith (M), Stewart, Waggoner and Zoghby.

—16

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 144. EXPRESSING THE DESIRE OF THE LEGISLATURE REGARDING TEACHER CERTIFICATION FOR EARNED GRADUATE DEGREES.

Also:

H. J. R. 169. MOURNING THE DEATH OF MR. J. EARL JONES OF BESSEMER, ALABAMA.

Also:

H. J. R. 172. HONORING HIS ROYAL HIGHNESS, PRINCE KHALED BIN SULTAN BIN ABDULAZIZ OF SAUDI ARABIA, AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 183. MOURNING THE DEATH OF TILLMAN J. WRIGHT, BUTLER, ALABAMA.

Also:

H. J. R. 186. RECOGNIZING MR. WILLIAM H. G. FRANCE FOR HIS PROMINENCE IN AMERICAN MOTORSPORTS.

Also:

H. J. R. 189. DECLARING THE WEEK OF JUNE 1-7, 1980, "ALABAMA POULTRY WEEK."

Also:

H. J. R. 190. CONGRATULATING DR. HANLY FUNDERBURK ON HIS SELECTION AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

H. J. R. 191. COMMENDING D. WAYNE GOODE, DEDICATED CIVIC SERVANT

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles has been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 258. Relating to Washington County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 583. Relating to the Twelfth Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

Also:

H. 677. Relating to Washington County; providing that anyone convicted of assaulting school teachers shall be guilty of a misdemeanor and be punished by a minimum fine.

Also:

H. 694. To provide for supplemental compensation of the members and the clerk of the jury commission of Blount County to be paid out of the county treasury; and to provide that this Act shall be retroactive to July 1, 1979.

Also:

H. 707. To provide further for the salary of each Blount County commissioner and the chairman of said commission; to provide the payment therefor from the general fund of the county.

Also:

H. 708. Relating to Blount County; providing that the probate judge shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for or in the process of transacting business.

Also:

H. 710. Relating to Calhoun County; to amend Section 6 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the expense allowance of members of the civil service board.

Also:

H. 788. To authorize the Morgan County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years, and to provide for retroactive effect.

Also:

H. 806. Relating to Washington County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 84 RESUMED

SUBSTITUTE OFFERED

Rep. Dial offered the following substitute No. 1 to the bill, H. 84 as amended:

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of certain tobacco products; providing for the collection and enforcement of such taxes; and providing for the disposition of the net proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes, chewing tobacco or snuff or any substitute thereof, shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes, chewing tobacco or snuff or any substitute thereof for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The additional tax hereby levied shall be at the following rates:

(1) On each package of cigarettes containing twenty cigarettes or less, four cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, eight cents; and on each package of cigarettes containing more than forty cigarettes, ten cents;

(2) On all chewing tobacco prepared in such manner as to be suitable for chewing only, and not suitable for smoking, two cents per ounce or fractional part thereof;

(3) On each can or package of snuff and pipe tobacco weighing not more than five-eighths ounces, one cent; over five-eighths ounces and not exceeding one and five-eighths ounces, two cents; over one and five-eighths ounces and not exceeding two and one-half ounces, two cents; over two and one-half ounces and not exceeding five ounces (cans, packages, gullets), three cents; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), four cents; over five ounces and not exceeding six ounces, five cents; weighing over six ounces, an additional six cents for each ounce or fractional part thereof.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, chewing tobacco, snuff or any substitute thereof, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the packages at the rates set out hereinabove and in the manner provided by Section 2, hereof.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Title 40, Chapter 25, of the Code of Alabama 1975, or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in said chapter, or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by said chapter, as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes, chewing tobacco or snuff or any substitute thereof, as enumerated in this Act single stamps of the requisite denomination to represent the payment of the tax levied hereby as well as the tax levied by said chapter, as amended.

Section 3. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The tax herein levied is in addition to all provisions of Title 40, Chapter 25 of the Code of Alabama, 1975. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the substitute offered by Rep. Dial to the bill, H. 84 as amended:

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of certain tobacco products; providing for the collection and enforcement of such taxes; and providing for the disposition of the net proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes, chewing tobacco or snuff or any substitute thereof, shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes, chewing tobacco or snuff or any substitute thereof for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The additional tax hereby levied shall be at the following rates:

(1) On each package of cigarettes containing twenty cigarettes or less, four cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, eight cents; and on each package of cigarettes containing more than forty cigarettes, ten cents;

(2) On all chewing tobacco prepared in such manner as to be suitable for chewing only, and not suitable for smoking one cents per ounce or fractional part thereof;

(3) On each can or package of snuff and pipe tobacco weighing not more than five-eighths ounces, 1/2 cent; over five-eighths ounces and not exceeding one and five-eighths ounces, one cent; over one and five-eighths ounces and not exceeding two and one-half ounces, one cent; over two and one-half ounces and not exceeding five ounces (cans, packages, gullets), 2 cents; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), two cents; over five ounces and not exceeding six ounces, 3 cents; weighing over six ounces, an additional 3 cents for each ounce or fractional part thereof.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, chewing tobacco, snuff or any substitute thereof, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the packages at the rates set out hereinabove and in the manner provided by Section 2, hereof.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Title 40, Chapter 25, of the Code of Alabama 1975, or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in said chapter, or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by said chapter, as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes, chewing tobacco or snuff or any substitute thereof, as enumerated in this Act single stamps of the requisite denomination to represent the payment of the tax levied hereby as well as the tax levied by said chapter, as amended.

Section 3. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The tax herein levied is in addition to all provisions of Title 40, Chapter 25 of the Code of Alabama, 1975. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holmes, the substitute offered by Rep. Carothers, was tabled.

Yeas 41; Nays 31.

Yeas:

Mr. Speaker, Adams (H), Bennett, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Goodwin, Greer, Grimsley, Grouby, Harper (T), Harvey, Hilliard, Holmes, Horn, Howard, Kennedy, Laird, Letson, Manley, Minus, Nevett, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Smith (C), Starkey, Tucker, Turner, Warren and Willis.

—41

Nays:

Reps.: Albright, Barton, Blake, Brakefield, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Edwards, Ford, Gilmer, Gregg, Hall, Hammett, Harper (O), Johnson (R. G.), Johnson (Roy), McMillan, Moore, Naramore, Olive, Payne, Penry, Ray, Shoemaker, Smith (M), Stewart, Turnham and Williams.

—31

SUBSTITUTE TABLED

The question was then on the adoption of the substitute No. 1 offered by Rep. Dial to the bill, H. 84 as amended, and motion of Rep. Holmes, the substitute was tabled.

Yeas 62; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Tucker, Turner, Turnham, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—62

Nays:

Reps.: Albright, Barton, Blake, Coburn, Cosby, Crow, Gregg, Hall, Hammett, Johnson (Roy), McMillan, Moore, Payne, Penry, Seibels, Smith (M), Stewart and Willis.

—18

SUBSTITUTE OFFERED

Rep. Dial offered the following substitute No. 2 to the bill, H. 84 as amended:

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of certain tobacco products within this state during the 1980-81 fiscal year; to provide for the collection and enforcement of such taxes; to provide that the proceeds thereof shall be used for medicaid purposes; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the state of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the state of Alabama any tobacco products of whatever nature, as defined in Section 40-25-1 of the Code of Alabama 1975, shall collect and pay over to the state of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of tobacco products, as defined in Section 40-25-1 of the Code of Alabama 1975, for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of such tobacco products, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the state of Alabama, and affix the same to the packages or containers at the rates set out herein above and in the manner provided by Section 2, hereof.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

(d) The tax herein levied shall be in effect only during the 1980-81 fiscal year and shall terminate on September 30, 1981.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Chapter 25 of Title 40 of the Code of Alabama 1975, or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in said chapter, or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by said chapter, as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the tobacco products as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by said chapter, as amended.

Section 3. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day after the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holmes, the substitute offered by Rep. Dial to the bill, H. 84 as amended, was tabled.

Yeas 42; Nays 38.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Buskey, Cabaniss, Cates, Cheatwood, Clark (W), Coburn, Cooley, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Kennedy, Langford, Nevett, Olive, Parker, Penry, Rains, Reed, Roberts, Sasser, Smith (C), Starkey, Tucker, Turner, Venable, Warren and Wyatt.

—42

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Brakefield, Campbell, Carter, Cobb, Cosby, Crow, Goodwin, Gregg, Hall, Harper (O), Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McMillan, Minus, Moore, Naramore, Patton, Payne, Ray, Riddick, Seibels, Smith (M), Stewart, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—38

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 29. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, MEDICAID AND SOCIAL PROGRAMS, FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

Also:

S. J. R. 96. CONGRATULATING TALLADEGA COUNTY HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

Also:

S. J. R. 114. CONGRATULATING AND COMMENDING MISS ANNETTA LEAH SPARKS, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

S. J. R. 115. CONGRATULATING AND COMMENDING MISS KENDALL HOPE SWANN, NATIONAL "LITTLE MISS PEANUT."

Also:

S. J. R. 116. CONGRATULATING MRS. BOWDEN SESSIONS, NATIONAL PEANUT FESTIVAL RECIPE CONTEST WINNER.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 84. RESUMED

And the bill:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Edwards, Ford, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Starkey, Trammell, Tucker, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—66

Nays:

Reps.: Albright, Barton, Campbell, Clark (G), Cosby, Crow, Dial, Gafford, Hall, Johnson (Roy), Letson, McMillan, Payne, Penry, Riddick, Sandusky, Seibels, Smith (C), Smith (M), Stewart, Waggoner and Warren.

—22

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 84.

RESOLUTION

The following resolution was introduced:

By Rep. Riddick:

H. J. R. 193. CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

WHEREAS, Laura Ann Rice, 21-year-old senior at Auburn University, has been chosen Alabama Maid of Cotton; and

WHEREAS, Laura is an "A" student, majoring in voice and music, and has been a member of the Auburn Concert Choir, the Auburn University Singers and the Delta Omicron music sorority; and

WHEREAS, Laura is active in church and the Fellowship of Christian Athletes and a good example of and for the youth of our state; and

WHEREAS, Laura will be traveling across the state and nation promoting the cotton industry in Alabama, and will represent our state in the national Maid of Cotton pageant to be held in December; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our congratulations and best wishes to Laura Ann Rice of Huntsville, Alabama, and our sincere hope that she brings the national Maid of Cotton crown home to Alabama.

BE IT FURTHER RESOLVED, That Miss Rice receive a copy of this resolution that she may know of our great pride and pleasure in her selection as Alabama Maid of Cotton.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 193, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 523. (With Substitute): To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word "Board," whenever used in this Act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 3 of Title 28 of the Code of Alabama 1975. The term "selling price," wherever used in this Act shall mean the total marked-up price of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied with respect thereto.

Section 2. Levy to Tax. In addition to all other taxes of every kind now imposed by law, and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of ten percent (10%) upon the selling price of all spirituous or vinous liquors sold by the Board. The tax hereby imposed shall be collected by the Board from the purchaser at the time the purchase price is paid.

Section 3. Tax not to be absorbed but passed on to purchaser. The mark-up as currently established by the Board on spirituous or vinous liquors shall not be reduced by the Board for the purpose of absorbing the tax herein levied; it being the intention hereof that the said tax shall be passed on to the purchaser.

Section 4. All revenues collected under the provisions of this Act shall be paid into the state treasury to the credit of the general fund.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 7. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Rains, Ray, Riddick, Roberts, Shoemaker, Starkey, Stewart, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nays: Reps.: Crow, Hall and Seibels.

—3

MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Stewart to postpone further consideration of the bill, H. 523 as amended, to the twenty-third legislative day, was tabled.

MOTION TO POSTPONE TABLED

On motion of Rep. Turner, the motion offered by Rep. Harper (T) to postpone further consideration of the bill, H. 523 as amended, to the twenty-second legislative day, was tabled.

Yeas 62; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Blake, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—62

Nays:

Reps: Amari, Bedsole, Bennett, Cabaniss, Campbell, Cosby, Crow, Hammett, Harper (T), Harrison, Kennedy, Lewis, McMillan, Moore, Parker, Payne, Penry, Sandusky, Seibels, Smith (M), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—25

AMENDMENT OFFERED

Rep. Ford offered the following amendment to the bill, H. 523 as amended:

Delete Section 4, page 2, lines 15, 16, and 17 and insert in lieu thereof the following new Section 4:

Section 4. The net revenues collected pursuant to this Act shall be distributed as follows:

(a) Fifty percent of the net revenue generated by each respective county shall be paid to each such respective county's general fund; and

(b) The remainder shall be paid to the state treasury to the credit of the general fund.

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Ford to the bill, H. 523 as amended, was tabled.

Yeas 46; Nays 38.

Yeas:

Mr. Speaker, Adams (C), Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Dial, Goodwin, Greer, Gregg, Grouby, Harper (O), Harvey, Holley, Holmes, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Naramore, Nevett, Olive, Owens, Patton, Rains, Riddick, Roberts, Sasser, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Ward, Whatley and Wyatt.

—46

Nays:

Reps: Albright, Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Drinkard, Edwards, Ford, Hall, Hammett,

Harper (T), Hilliard, Hines, Horn, Johnson (R. G.), Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Ray, Reed, Sandusky, Shoemaker, Smith (M), Stewart, Trammell, Waggoner, Warren, Williams and Zoghyby.

—38

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

Also:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

McDOWELL LEE,
Secretary.

H. 523 RESUMED

And the bill, H. 523 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 26.

Yeas:

Mr. Speaker: Adams (C), Blake, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley and Williams.

—61

Nays:

Reps.: Albright, Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Hall, Hammett, Harper (T), Hilliard, Horn, Johnson (Roy), Lewis, McMillan, Parker, Payne, Penry, Sandusky, Seibels, Smith (M), Stewart and Waggoner.

—26

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 523.

And the bill:

H. 665. (With Substitute): To levy an additional tax on tobacco or cigarette rolling papers that are sold separately and authorize the Department of Revenue to issue such regulations, including but not limited to, the preparation and distribution of stamps denoting the tax, as are necessary to fulfill the purposes of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

Be It Enacted by the Legislature of Alabama.

Section 1. For the purposes of this Act, the following terms shall have the respective meanings ascribed to them by this section:

(1) **PERSON.** Individuals, firms, corporations, partnerships, companies, or other agencies, associations, incorporated or otherwise, singular or plural.

(2) **WHOLESALE SALE.** A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

(3) **NET TAX PROCEEDS.** The entire proceeds from the tax herein levied less cost of collection, refunds, grants and credits as may be authorized by law.

(4) **STATE.** The state of Alabama.

(5) **DEPARTMENT.** The department of revenue of the state of Alabama.

(6) **COMMISSIONER.** The commissioner of the department of revenue of the state of Alabama.

Section 2. There is hereby levied a tax of 50¢ per package on all cigarette papers sold at wholesale in this state or imported into this state for use, consumption, or sale at retail.

Section 3. Before any person engages in the business of selling any of these items on which the tax levied by this Act has not been paid to the department of revenue, such person shall make application to the department of revenue upon forms prepared by the department for a license. Said license shall be a condition precedent to engaging or continuing in the business of selling those items taxed under this Act.

Section 4. On or before the twentieth day of each month each person on whom the tax levied by this Act is imposed shall render to the department of revenue on forms prescribed by the department a true and correct statement

showing the amounts utilized in the measurement of the tax and such other information as the department may require and shall pay to the department the amount of tax shown due.

Section 5. All persons subject to the provisions of this Act shall keep for not less than three years, such books, documents, records or other papers as will clearly show the amount of tax due and such books, documents, records or other papers shall be open for examination at any time by the department of revenue or its duly authorized agents.

Section 6. Any person subject to this Act who shall fail to make any report required of them by the department of revenue or shall fail to keep any of the records required herein shall be guilty of a class B misdemeanor. Each month of such failure shall constitute a separate offense.

Section 7. Any person who fails to pay the tax herein levied within the time required shall pay, in addition to the tax, a penalty of 25 percent of the amount of tax due, together with interest thereon at the rate of one percent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax. The department of revenue, if a good and sufficient reason is shown, may waive or remit the penalty of 25 percent or a portion thereof.

Section 8. If any taxpayer fails to make the returns herein required, the department shall make return for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return to twenty-five percent of the tax due, as assessed by the department, and interest at the rate of one percent per month, or fraction thereof, from the date such taxes were due. Provided the department, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five percent penalty, or a portion thereof.

Section 9. Whenever the department in examining and auditing the records of any taxpayer, or from other information, shall ascertain that the amount or amounts previously paid by the taxpayer for any period or periods is incorrect, the department shall compute the correct amount of tax due and, if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law and under the rules and regulations of the department. If it appears that the amount paid by such taxpayer is less than the amount due, the department shall compute the amount of such deficiency and shall notify the taxpayer, thereof and shall demand payment with interest of one percent per month or fraction thereof from the date such tax became due to the date of payment thereof. Such notice and demand shall be a preliminary assessment for the amount demanded to be paid and the notice thereof shall so state. The assessment provided for herein shall be made in accordance with the provisions of Section 9 of this Act.

If the tax demanded under this section be not paid within twenty days from the date of the notice thereof, there shall be added thereto a penalty of one percent per month or fraction thereof from the date such tax became due to the date of payment. Provided that the department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof. Provided further, that if the department be of the opinion that there was a willful or fraudulent intent by the taxpayer to avoid the tax due, it may assess a penalty of twenty-five percent of the tax. Provided that upon appeal such action shall be reviewable.

Section 10. Whenever the department shall make an assessment against a taxpayer as herein provided, the department shall notify the taxpayer by registered or certified mail of the amount of such assessment, and shall notify the taxpayer that he may appear before the department on a day named not less than twenty days from date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the department, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the department to be correct. If upon such hearing the department finds the amount due to be different from that originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify the taxpayer of the assessment as finally fixed. Provided a notice by the United States mail addressed to the taxpayer's last known place of business shall be sufficient. Any assessment made by the department shall be prima facie correct upon appeal.

Section 11. (a) Whenever any taxpayer, who has duly appeared and protested an assessment by the department, is dissatisfied with the assessment as finally made, such taxpayer may appeal in all respects in the same manner provided by Section 40-2-22, Code of Alabama 1975, as amended. Provided, no appeal shall lie in cases where the taxpayer has failed to appear and protest.

(b) Any notice, provided for by this Act, of an amount due under this Act shall be given or any action in court for the collection of such amount shall be begun within three years of the due date of such amount. Provided, however, in the case of a false or fraudulent return with intent to evade payment of taxes imposed by this Act or a failure to file a return, the tax may be assessed or a proceeding in court for the collection of such tax may be begun at any time. The department of revenue and the taxpayer, before the expiration of the time prescribed herein, may agree in writing to an extension of the time during which such proceedings may be begun. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The department of revenue shall also be authorized in such agreement to extend equally the period within which the taxpayer may file a claim for refund of such taxes where such agreement is entered into before a claim for refund is barred because of the lapse of time. The commissioner of revenue shall adopt such rules and regulations as he deems necessary for the proper administration of this section.

Section 12. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder.

Section 13. If any final assessment of taxes herein levied be not paid within thirty days after such assessment becomes final and if no appeal has been taken, in cases where an appeal is authorized, the department shall issue an execution therefor directed to any sheriff of the state of Alabama commanding said sheriff to levy upon and sell the real and personal property of the person against whom such execution is directed, found in the county of said sheriff, together with all penalties assessed.

The sheriff thereupon shall levy upon any property of the taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court or court of like jurisdiction, and the remedies of attachment and garnishment shall apply fully to such execution, and the officer shall be entitled to the same fees for his services as now

allowed by law for like services to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within sixty days of the issuance thereof to the department and upon such return alias or pluries executions may be issued by the department which shall be executed in the same manner. Such lien shall not be valid against any mortgagee, purchaser, or judgment creditor until notice has been filed in the office of the judge of probate as provided for under Section 40-1-2, Code of Alabama 1975, as amended.

Section 14. The tax herein levied shall constitute a debt due the state of Alabama and may be collected by civil suit, in addition to the methods herein provided, brought at any time within three years after the tax has become due and payable.

Section 15. Any taxpayer who shall violate any of the provisions of this Act may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the state of Alabama by its attorney general, by the counsel of the department or under their direction by any circuit solicitor of the state until such person shall have complied with the provisions of this Act.

Section 16. The department of revenue is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations, relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties and interest imposed by this Act.

Section 17. The department for good cause may grant up to a 30 day extension for the time for making any return required under the provisions of this Act.

Section 18. If upon examination it is determined by the department that an amount of tax or an amount required to be collected has been paid to the state in excess of the amount properly due, then the amount in excess shall be credited against any tax or amount required to be collected then due from such person and any balance of such excess shall be refunded to such person by whom such overpayment was made, by certificate of overpayment issued by the department to the comptroller. If approved by the comptroller, he shall draw his warrant on the treasurer for the amount so certified to be due.

Section 19. All taxes or other funds received or collected by the department under the provisions of this Act shall be deposited in the treasury without delay.

Section 20. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this Act; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Section 41-4-80 through 41-4-96 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are repealed.

Section 23. This Act shall become effective on the first day of the second month next following its passage and approval by the governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—81

Nay: Rep. Hall.

—1

And the bill:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—89

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Shoemaker offered the motion to reconsider the vote by which the bill, H. 522 as amended, was postponed to the twenty-second legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Tucker to table the motion to reconsider offered by Rep. Shoemaker, was lost.

Yeas 39; Nays 52.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (R. G.), Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Smith (M), Stewart, Tucker, Waggoner, Whatley and Zoghby.

—39

Nays:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Howard, Johnson (Roy), Kelley, Laird, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams and Willis.

—52

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Rep. Shoemaker to reconsider the vote by which the bill, H. 522 as amended, was postponed to the twenty-second legislative day, and the motion to reconsider was adopted.

Yeas 51; Nays 37.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams and Willis.

—51

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Holmes, Johnson (R. G.), McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Smith (M), Stewart, Tucker, Waggoner, Wyatt and Zoghby.

—37

H. 522 RESUMED
AMENDMENT OFFERED

Rep. Cabaniss offered the following amendment to the bill, H. 522 as amended:

Amend House Bill 522 as Substituted in the Synopsis on line 11 by striking therefrom the word "five" and inserting in lieu thereof the word: two

Further amend House Bill 522 as Substituted on page 2, in Section 2, on line 8, by striking therefrom the word "five" and inserting in lieu thereof the word: two

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Cabaniss to the bill, H. 522 as amended, was tabled.

Yeas 48; Nays 31.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Dial, Gilmer, Grimsley, Harper (O), Holley, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—48

Nays:

Reps.: Adams (H), Amari, Barton, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Drinkard, Ford, Goodwin, Gregg, Hall, Hammett, Harrison, Hilliard, Hines, McMillan, Minus, Moore, Penry, Sandusky, Seibels, Smith (M), Starkey, Stewart, Tucker, Waggoner and Zoghby.

—31

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 97. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

H. 273. To provide that the presiding judge in a divorce case involving custody of children, may award at his discretion visitation rights to the grandparents of such children.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 522 RESUMED
AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 522 as amended:

On page 2, Section 7, lines 35 through 38, delete all the language after the word "effective" and insert in lieu thereof:

only through the current fiscal year and will become null and void on September 30, 1980.

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Payne to the bill, H. 522 as amended, was tabled.

Yeas 39; Nays 27.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cheatwood, Cobb, Coburn, Cooley, Edwards, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (Roy), Kelley, Laird, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Patton, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Trammell, Turner, Venable, Warren, Williams and Willis.

—39

Nays:

Reps.: Amari, Barton, Bedsole, Cabaniss, Campbell, Clark (G), Crow, Gregg, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), McMillan, Moore, Owens, Penry, Reed, Smith (M), Stewart, Tucker, Waggoner, Wyatt and Zoghby.

—27

AMENDMENT OFFERED

Rep. Bennett offered the following amendment to the bill, H. 522 as amended:

Amend House Bill 522 as Substituted in the Synopsis on line 11 by striking therefrom the word "five" and inserting in lieu thereof the word: four-tenths of one

Further amend House Bill 522 as Substituted on page 2, in Section 2, on line 8, by striking therefrom the word "five" and inserting in lieu thereof the word: four-tenths of one

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Bennett to the bill, H. 522 as amended, was tabled.

Yeas 50; Nays 25.

Yeas:

Mr. Speaker, Adams (H), Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (Roy), Kelley, Laird, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Shoemaker, Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—50

Nays:

Reps: Albright, Amari, Barton, Cabaniss, Campbell, Crow, Drinkard, Ford, Gregg, Hall, Hammett, Hilliard, Horn, Howard, Johnson (R. G.), Minus, Moore, Parker, Payne, Seibels, Smith (M), Stewart, Tucker, Waggoner and Zoghby.

—25

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment to the bill, H. 522 as amended:

Amend the substitute for House Bill 522 as follows:

After Section 4, page 2, add a new Section 5 to read as follows:

"Section 5. Delete Title 28-3-181(c)(1), Code of Alabama, 1975, and substitute in lieu thereof the following new Title 28-3-181(c)(1).

One seventh of said proceeds shall be paid into the state treasury to be divided equally among all "wet" counties in the State of Alabama and further, any counties that should later go "wet" shall be added into the distribution, and any county that is "wet" and later goes "dry" shall be removed from the distribution. Distribution of these funds shall be made on or before the fifteenth day of each month following their collection."

Further amend the substitute for House Bill 522 by renumbering all succeeding sections accordingly.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Clark (G) to the bill, H. 522 as amended, was tabled.

Yeas 44; Nays 35.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harvey, Holley,

Johnson (Roy), Kelley, Laird, Langford, Letson, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—44

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Clark (G), Cosby, Crow, Dial, Edwards, Gregg, Hall, Hammett, Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, Moore, Parker, Payne, Seibels, Smith (J), Smith (M), Stewart, Tucker, Waggoner and Zoghby.

—35

MOTION TO REMOVE FROM TABLE LOST

Having voted on the prevailing side by which the amendment offered by Rep. Clark (G) to the bill, H. 522 as amended, was tabled, Rep. Mitchell offered the motion to remove the amendment from the table, and the motion was lost.

Yeas 40; Nays 45.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cosby, Crow, Dial, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, McMillan, Minus, Mitchell, Moore, Penry, Sandusky, Seibels, Smith (M), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—40

Nays:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cheatwood, Cobb, Cooley, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harvey, Holley, Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Naramore, Nevett, Olive, Owens, Patton, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—45

AMENDMENT OFFERED

Rep. Hines offered the following amendment to the bill, H. 522 as amended:

On page 2, Section 4, line 27, add the language:

Any person found guilty of transporting beer from out of state shall be fined \$2500.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Hines to the bill, H. 522 as amended, was tabled.

Yeas 43; Nays 32.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Goodwin, Greer, Gregg, Grimsley, Grouby, Harvey, Holley, Kelley, Laird, Langford, Manley, Naramore, Nevett, Olive, Owens, Patton, Rains, Riddick, Roberts, Sasser, Smith (C), Smith (J), Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—43

Nays:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Clark (G), Cosby, Crow, Drinkard, Gilmer, Hall, Hammett, Harper (T), Harrison, Hilliard, Horn, Howard, Johnson (R. G.), Johnson (Roy), McMillan, Minus, Moore, Payne, Penry, Seibels, Smith (M), Stewart, Tucker, Waggoner and Zoghby.

—32

AMENDMENT OFFERED

Rep. Sandusky offered the following amendment No. 3 to the bill, H. 522 as amended:

Amend Substitute to H. B. 522, Section 7, on Page 2, Line 36 by striking the words "the first day of the second month" and substituting, therefore, the words "October 1, 1982."

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Sandusky to the bill, H. 522 as amended, was tabled.

Yeas 48; Nays 40.

Yeas:

Mr. Speaker, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harvey, Holley, Johnson (Roy), Kelley, Laird, Letson, McKee, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Willis.

—48

Nays:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Drinkard, Ford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kennedy, Lewis, McMillan, Minus, Moore, Parker, Payne, Penry, Sandusky, Seibels, Smith (M), Stewart, Tucker, Waggoner, Wyatt and Zoghby.

—40

And the bill, H. 522 as thus amended, was read a third time at length and lost.

REGULAR SESSION
21st Day

1083

Yeas 40; Nays 51.

Yeas:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harvey, Holley, Kelley, Laird, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Rains, Reed, Roberts, Sasser, Shoemaker, Smith (C), Stout, Trammell, Turner, Turnham, Venable and Williams.

—40

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Ford, Gafford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Lewis, McMillan, Minus, Mitchell, Moore, Parker, Payne, Penry, Ray, Riddick, Sandusky, Seibels, Smith (J), Smith (M), Stewart, Tucker, Waggoner, Warren, Whatley, Wyatt and Zoghby.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:55 P.M. on April 10, 1980.

H. J. R. 144.

H. J. R. 169.

H. J. R. 172.

H. J. R. 183.

H. J. R. 186.

H. J. R. 189.

H. J. R. 190.

H. J. R. 191.

H. 258.

H. 583.

H. 677.

H. 694.

H. 707.

H. 708.

H. 710.

H. 788.

H. 806.

Delivered to the Governor at 4:10 P.M. on April 10, 1980.

H. 97.

H. 273.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 181, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Tuesday, April 15, 1980.